

**TO: MAYOR'S GANG PREVENTION  
TASK FORCE**

**FROM:** Betsy Shotwell  
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**SUBJECT: REPORT ON KEY LEGISLATIVE  
ITEMS**

**DATE:** June 24, 2009

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### **STATE LEGISLATION**

The 2009-10 State Legislative Session convened in Sacramento on December 1, 2008, and the deadline for bills to be introduced in the State Legislature was February 27, 2009. A total of 2,565 bills and constitutional amendments have been introduced. Proposed state legislation included in this memo reflects 2009 legislation pending in Sacramento, relating to gang violence prevention and intervention. The next major bill deadline in the Legislature is July 10, which is the last day for policy committees to meet and report bills to fiscal committees of the Assembly and Senate. Bills that pass the fiscal committees need to be adopted by either the full Senate or Assembly, working toward a September 11 deadline for final passage of bills before the interim recess of the 2009-10 Legislative Session. The Governor will have until October 11 to sign or veto bills. Those bills signed into law will become effective January 1, 2010, unless otherwise specified.

The following list of 2009 pending State legislation relating to gang violence prevention and intervention that are still active or were recently held in a fiscal committee due to its impact on California's scarce budget resources. In cases where the City has taken a position, those positions are reflected. All legislation is continually reviewed by IGR and other City departments for new amendments, and significant bills will be brought forward to the Rules Committee and the City Council for consideration and adoption of City positions. The following 2009 legislation is identified as a partial list of priority bills that will be of particular interest to San José this session:

#### **AB 12 (Beall) – CA Fostering Connections to Success Act.**

Requires the Department of Social Services to exercise its option to become eligible for federal kinship-guardianship assistance payments, beginning January 1, 2010, and transitional foster care services for eligible youth between the ages of 18 and 21 years old, beginning October 1, 2010. Replaces California's CalWORKs Kinship Guardianship Assistance Program (KinGAP) with a new federal KinGAP program, and expands foster care, KinGAP, and the Adoptions Assistance Program to age 21 for certain youth. (Fiscal)

**Status:** Assembly Committee on Appropriations – 2-yr. bill.

**Amended:** 4/29/09.

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**AB 412 (Carter) – Hate Crimes: Nooses.**

Provides that any person who hangs a noose, knowing it to be a symbol representing a threat to the life or the property of another, for the purpose of terrorizing the owner or occupant of that property, or hangs a noose on the property of educational facilities and other specified places, shall be punishable by imprisonment and/or fine. (Fiscal)

**Status:** Senate Floor.

**Amended:** 3/23/09.

**AB 455 (Huffman) – State Conservation Corps: Participation.**

Requires a minimum of 5% of young men and women selected by the CA Conservation Corps for participation in the program represent young adults at risk of gang involvement, current gang members, or former gang members. (Nonfiscal)

**Status:** Assembly Committee on Public Safety – 2-yr. bill.

**Amended:** 4/13/09.

**AB 576 (Torres) – Vandalism: Graffiti: Recovery of Cost.**

Expands the definition of victim to allow local governments who spend considerable sums on graffiti abatement on public and private property to qualify as victims for purposes of receiving restitution from offenders. (Fiscal)

**Status:** Senate Committee on Appropriations – Hearing on 6/29.

**Amended:** 4/21/09.

**AB 587 (Cook) – Vandalism and Gang-Related Graffiti.**

Provides that if the defacement, damage, or destruction of property is determined by the finder of fact to further criminal gang activity, the act of vandalism is punishable by imprisonment in a state prison or in the county jail not exceeding one year, and/or by a \$10,000 fine. Authorize a court to grant probation and, as a condition of probation, order the defendant to participate in a local intervention program and also order gang terms. (Fiscal)

**Status:** Assembly Committee on Public Safety – 2-yr. bill.

**Amended:** N/A.

**AB 616 (Blumenfield) – Youth Violence Prevention: Grants.**

Would have required the Office of Gang and Youth Violence Policy to use federal funds from the American Recovery and Reinvestment Act to provide grants to certified local conservation corps for programs that would have expanded and enhanced opportunities for at-risk young adults and school-aged youth. (Fiscal)

**Status:** Held in Assembly Committee on Appropriations.

**Amended:** 4/13/09.

**AB 668 (Lieu) – Firearms: Gun Free School Zones.**

Extends the "school zone" for purposes of criminal sanctions for violating a gun-free area from 1,000 feet to 1,500 feet. (Fiscal)

**Status:** Senate Committee on Public Safety.

**Amended:** 6/1/09.

**AB 750 (Bass) – Deferred Entry of Judgment.**

Authorizes a superior court, with the concurrence of the prosecuting attorney, to create a deferred entry of judgment reentry program aimed at preventing recidivism among first-time nonviolent felony drug offenders. (Fiscal)

**Status:** Senate Committee on Public Safety – Hearing on 7/7.

**Amended:** N/A.

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**AB 785 (Bass) – Community Sanctions: Parole Violators.**

Declares the intent of the Legislature that community sanctions be instituted for parole violators who present a lower risk to public safety. Requires the Department of Corrections and Rehabilitation to implement a “parole violation decisionmaking instrument” to provide guidelines for use by parole agents and the Board of Parole Hearings to determine the most appropriate sanctions for parole violators. (Fiscal)

**Status:** Assembly Committee on Appropriations – 2-yr. bill.

**Amended:** N/A.

**AB 891 (B. Berryhill) – Real Property: Gang Abatement.**

Enacts the Gang Nuisance and Abatement Act to establish a cause of action against the owner of property used by a criminal street gang as a congregating point. Authorizes a district attorney or city attorney to bring an abatement action against the property owner and to impose a fine or property seizure or forfeiture. The proceeds from the fines and property forfeiture would be split between local law enforcement and the district attorney’s office for the purpose of funding gang prevention activities. (Nonfiscal)

**Status:** Assembly Committee on Public Safety – 2-yr. bill.

**Amended:** N/A.

**AB 1015 (Torlakson) – Nitrous Oxide: Prohibit Sale to Minors.**

Makes it a misdemeanor to sell or furnish, or offer to sell or furnish, nitrous oxide to any person under 18 years of age; a violation would be punishable by one year in the county jail and/or a \$2,500 fine. Authorizes a court to suspend the business license for up to one year of a repeat offender under these provisions, unless the business owner shows a good faith effort to prevent sales or deliveries of nitrous oxide to minors. Exempts the sale of nitrous oxide contained in food products as a propellant, and the use of nitrous oxide by medical and dental personnel. (Fiscal)

**Status:** Senate Committee on Public Safety – Hearing on 7/7.

**Amended:** 6/16/09.

**AB 1392 (Tran) – Vandalism: Graffiti and Gang Technology Fund.**

Would have created a new \$150 fine for graffiti-related offenses and a \$300 fine if the offense was committed by a person determined to be an active member of a criminal street gang, for deposited in a new Graffiti and Gang Technology Fund within the Department of Justice, to fund technological advances in the identification and apprehension of vandals and gang members. Would have provided that at least 30% of the funds would be appropriated for graffiti-related purposes, 30% for gang-related purposes, and the balance to "law enforcement's greater need for technology." (Fiscal)

**Status:** Held in Assembly Committee on Appropriations.

**Amended:** 4/13/09.

**AB 1439 (Solorio) – Gang Violence: Prevention.**

Requires the Director of the Office of Gang and Youth Violence Policy to consolidate and streamline existing state agency gang and youth violence grant programs with a goal toward giving priority to grant programs that employ evidence-based practices. Authorizes the Director to create a working group to assist in this effort. (Fiscal)

**Status:** Senate Committee on Public Safety – Hearing on 6/30.

**Amended:** 4/16/09.

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**AB 1498 (DeLeon) – Firearms: Possession.**

Would have expanded the existing list of misdemeanor offenses that prohibit a person from possessing a gun for 10 years to include carrying a concealed weapon in a vehicle, carrying a loaded gun, possessing an assault weapon, and any misdemeanor committed for the benefit of a criminal street gang, as specified. (Nonfiscal)

**Status:** Held in Assembly Committee on Appropriations Suspense File. **Amended:** 4/23/09.

**SB 282 (Wright) – Criminal Street Gangs: Injunction: Duration.**

Provides that an injunction issued against an individual who is a criminal street gang member shall have a duration of not more than five years, and specifies the circumstances under which the prosecutor may apply for a renewal of the injunction. (Nonfiscal)

**Status:** Assembly Committee on Public Safety – Hearing on 6/30. **Amended:** 5/5/09.

**SB 309 (Ducheny) – Public Resources: Conservation Corps.**

Specifies that preference for inclusion in CA Conservation Corps membership be given to emancipated foster youth, as well as other at-risk youth. (Fiscal)

**Status:** Assembly Committee on Appropriations. **Amended:** 4/14/09.

**SB 492 (Maldonado) – Loitering: Registered Street Gangs.**

Creates enhanced penalties for registered gang members who return within 72 hours after being asked to leave a school property or other public place at or near where children normally congregate. (Fiscal)

**Status:** Assembly Committee on Appropriations. **Amended:** 4/23/09.

**FEDERAL LEGISLATION**

The City's lobbying firm of Patton Boggs provided the following list of proposed federal legislation related to gangs as introduced for the 2009-2010 session. Congress' targeted date for adjournment for 2009 is October 30:

**Gang Prevention, Intervention and Suppression Act (HR 1022) Rep. Schiff (D-CA);** 1 co-sponsor; referred to House Judiciary and Education & Labor Committees / **Gang Abatement and Prevention Act of 2009 (S 132) Feinstein;** 13 co-sponsors; referred to Senate Judiciary.

The bills would increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

**Bullying and Gang Reduction for Improved Education Act (HR 1589) Rep. Linda Sanchez (D-CA);** 29 co-sponsors; referred to House Education & Labor Committee. Bill would amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for gang prevention, and for other purposes.

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**Mynisha's Law (HR 2418) Rep. Baca / (S. 208; Boxer);** no co-sponsors; referred to four Committees. Bills would authorize any local or tribal government or a group of counties to submit an application to the Attorney General for designation as a Comprehensive Gang Prevention and Relief Area. Directs the Attorney General to: (1) establish criteria for reviewing such applications and for selecting areas for designation; and (2) establish an Interagency Gang Prevention Task Force. Directs the Task Force to: (1) coordinate government activities to create a comprehensive gang prevention response, focusing on early childhood intervention, at-risk youth intervention, literacy, employment, community policing, and comprehensive community-based programs such as Operation Cease Fire; (2) coordinate with local and regional gang prevention efforts; and (3) prioritize the needs of Comprehensive Gang Prevention and Relief Areas for funding under specified federal community assistance and grant programs.

**Anti-Gang Task Force Act of 2009 (HR 2541) Rep. Dent (R-PA);** 2 co-sponsors; referred to House Judiciary Committee. Would direct the Attorney General to establish, staff, and fund anti-gang task forces, consisting of federal, state, and local law enforcement authorities, to coordinate efforts to combat criminal gangs and offenders.

**Gang Deterrence and Community Protection Act of 2009 (HR 2857) Rep. Forbes (R-VA);** 4 co-sponsors; referred to House Judiciary. Would amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes.

**Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education (Youth PROMISE) Act (S 435) Casey (D-PA);** 8 co-sponsors; referred to Senate Judiciary / **HR 1064 Rep. Scott (D-VA);** referred to 4 Committees. Bills would provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, health, gang-free, and law-abiding lives.

**Anti-Gang Enforcement Act of 2009 (HR 2815) Rep. Rooney (R-FL);** 3 co-sponsors; referred to House Judiciary and House Energy & Commerce. Bill would increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

Please contact us if you should have any questions or would like to receive copies of the bills summarized in this memo.

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