

AMENDED IN ASSEMBLY AUGUST 31, 2007

AMENDED IN ASSEMBLY AUGUST 20, 2007

AMENDED IN SENATE MARCH 14, 2007

SENATE BILL

No. 110

Introduced by Senators Romero and Perata

(Principal coauthor: Senator Migden)

(Principal coauthor: Assembly Member Leno)

**(Coauthors: Senators Alquist, Kuehl, Machado, Negrete McLeod,
Scott, and Vincent)**

(Coauthor: Assembly Member Hancock)

January 18, 2007

An act to amend Sections 11105, 11150.6, 11153, 11162.5, 11162.6, 11350, 11351, 11351.5, 11352, 11352.1, 11353, 11353.1, 11353.4, 11353.5, 11353.6, 11353.7, 11354, 11355, 11356.5, 11357, 11358, 11359, 11360, 11361, 11363, 11364.7, 11366, 11366.5, 11366.6, 11366.7, 11366.8, 11368, 11370, 11370.1, 11370.2, 11370.4, 11370.6, 11370.9, 11371, 11371.1, 11372, 11374, 11374.5, 11375, 11377, 11378, 11378.5, 11379, 11379.2, 11379.5, 11379.6, 11379.7, 11379.8, 11379.9, 11380, 11380.1, 11380.7, 11382, 11383, 11383.5, 11383.6, 11383.7, 11390, 11391, 11536, and 11550, of the Health and Safety Code, to amend Sections 18, 19, 126, 186.10, 186.11, 191.5, 193, 193.5, 204, 205, 208, 209, 209.5, 210, 210.5, 213, 214, 215, 220, 222, 236.1, 237, 241, 241.1, 241.2, 241.3, 241.4, 241.6, 241.7, 241.8, 243, 243.10, 243.2, 243.25, 243.3, 243.35, 243.4, 243.6, 243.7, 243.8, 243.9, 244, 244.5, 245, 245.2, 245.3, 245.5, 245.6, 246, 246.3, 247, 247.5, 261.5, 264, 264.1, 266, 266a, 266b, 266c, 266d, 266e, 266f, 266g, 266h, 266i, 266j, 266k, 267, 269, 270, 271, 271a, 272, 273a, 273ab, 273d, 273.4, 273.5, 273.6, 273.65, 278, 278.5, 280, 285, 286, 286.5, 288, 288a, 288.2, 288.3, 288.5, 288.7, 289, 289.5, 289.6, 311.1, 311.2, 311.3, 311.4, 311.5,

311.6, 311.7, 311.9, 311.10, 311.11, 313.4, 314, 368, 380, 381, 381b, 422, 422.75, 451, 451.1, 451.5, 452, 452.1, 453, 454, 455, 456, 461, 462, 462.5, 463, 473, 474, 476a, 478, 479, 487, 487a, 487b, 487c, 487d, 487e, 487f, 487g, 487h, 488, 489, 490, 490.1, 490.5, 490.7, 496, 498, 499, 499b, 499c, 499d, 520, 524, 530.5, 646.9, 664, 666, 666.5, 667.10, 667.15, 667.16, 667.17, 667.5, 667.51, 667.6, 667.61, 667.7, 667.71, 667.75, 667.8, 667.85, 667.9, 668, 674, 675, 2931, 2932, 2932.5, 2933, 2933.1, 2933.2, 2933.3, 2933.4, 2933.5, 2933.6, ~~3000.1~~, ~~3000~~ 3000, ~~3000.1~~, 3001, 3046, 3049, 3057, 4019, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 12022.6, 12022.7, 12022.75, 12022.8, 12022.85, 12022.9, *and* 12022.95 of, and to add Title 6.5 (commencing with Section 4950) to Part 3 of, the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as amended, Romero. Sentencing commission.

Existing law prescribes various penalties for criminal offenses.

This bill would state legislative findings and declarations regarding criminal sentencing laws and policies. This bill would create the California Sentencing Commission, chaired by the Chief Justice of the California Supreme Court, and comprised as specified, to develop and implement a new sentencing system, that would develop rules for sentences imposed for infractions, misdemeanors, alternate felonies or misdemeanors, and felonies, and rules for parole. The commission also would be required to make recommendations to the Legislature regarding criminal laws established by voter initiative, prepare correctional population projections for the sentencing system, serve as a resource for sentencing policy, develop information systems to track criminal cases entering the courts, assemble information on the effectiveness of sentences imposed, and investigate the existence of discrimination or inequities in the sentencing and corrections systems, as specified.

Any rules promulgated by the commission would take effect on January 1 of the year following the year that the commission presents the rules to the Legislature, if the Legislature does not reject the rules by a statute *that is* passed by $\frac{2}{3}$ a majority vote of each house of the Legislature *and signed by the Governor*. Any rule that is rejected by the Legislature would not take effect.

This bill would amend various sections of the code that currently impose a sentence for a crime by providing that crime would be punishable, alternatively, on or after the operative date of any applicable sentencing rules proposed by the commission, as provided in those rules. *Because the bill would authorize a state agency to change the punishment for several crimes, the bill would impose a state-mandated local program.*

This bill would require various local governmental agencies to provide certain services, personnel, equipment, facilities, and information to the commission, upon request of the commission. Because the bill would impose new duties on local agencies, the bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 11105 of the Health and Safety Code is
- 2 amended to read:
- 3 11105. (a) It is unlawful for any person to knowingly make a
- 4 false statement in connection with any report or record required
- 5 under this article.
- 6 (b) (1) Any person who violates this section shall be punished
- 7 by imprisonment in the state prison, or by imprisonment in the
- 8 county jail not exceeding one year, or by a fine not exceeding five
- 9 thousand dollars (\$5,000), or by both such fine and imprisonment.
- 10 (2) Any person who has been previously convicted of violating
- 11 this section and who subsequently violates this section shall be
- 12 punished by imprisonment in the state prison for two, three, or

1 four years, or by a fine not exceeding one hundred thousand dollars
2 (\$100,000), or by both such fine and imprisonment.

3 (3) Alternatively, on or after the operative date of an applicable
4 rule or rules proposed by the California Sentencing Commission,
5 a first or subsequent violation of this subdivision is punishable as
6 provided in the applicable sentencing rules.

7 SEC. 2. Section 11150.6 of the Health and Safety Code is