

CITY OF SACRAMENTO

DEPARTMENT OF POLICE

HALL OF JUSTICE
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JOHN P. KEARNS
CHIEF OF POLICE

May 21, 1986

Law and Legislative Committee
City Council
Sacramento, CA 95814

Honorable Members in Session

SUBJECT: Request for Support of AB 2692

SUMMARY:

AB 2692 as amended by Assemblyman Harris requires the Department of Justice to establish a Clandestine Laboratory Enforcement Program to assist state and local law enforcement and prosecutorial agencies in apprehending and prosecuting persons involved in the unlawful manufacture of controlled substances. Under the bill, the department would be required, to the extent of available funding, to (1) reimburse counties and cities, as prescribed, for costs of prosecuting specified controlled-substance offenses, (2) reimburse counties and cities, as prescribed, for law-enforcement personnel costs incurred in investigating specified controlled-substance offenses, and (3) reimburse counties and cities, as prescribed, for costs incurred in removing and disposing of or storing toxic wastes from the site of such a laboratory. The bill would also require the Bureau of Narcotic Enforcement, to the extent of available funding, to provide specified training to law enforcement personnel, make safety equipment available to local enforcement officials, and establish enhanced enforcement teams. The bill would require the department's Crime Prevention Center, to the extent of available funding, to conduct prescribed informational activities with respect to clandestine controlled-substance laboratories.

The bill would appropriate \$8,500,000 from the General Fund to the department for the purposes of the bill in accordance with a prescribed schedule and would authorize a specified amount to be used for administrative expenses.

BACKGROUND:

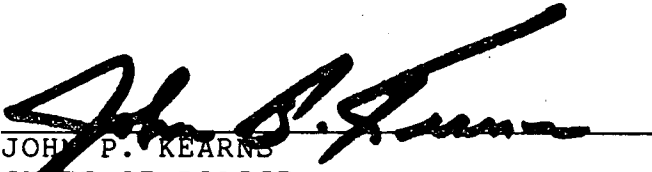
There has been a recent and rapid expansion in clandestine laboratories illegally producing a variety of controlled substances. These are increasingly sophisticated operations, frequently located in rural areas or working across jurisdictional lines, which pose substantial dangers to general public from fire, explosion, and the toxic chemicals involved. The controlled substances these laboratories produce such as analogs of fentanyl, phencyclidine, and methamphetamine, are extremely difficult to detect and analyze and have caused numerous deaths and serious injuries to those who use them.

The Sacramento Police Department is presently participating with the Federal Drug Enforcement Clandestine Laboratory Task Force in combating this rapid expansion of illegal labs in the Sacramento area, however more assistance is needed. This is especially true given the number and nature of clandestine laboratories and the sophistication of the operations.

RECOMMENDATION:

I request the Law and Legislative Committee to support this legislation by corresponding with our elected representatives and request they vote for Senate Bill 883.

Sincerely,


JOHN P. KEARNS
CHIEF OF POLICE

JPK:lf

Ref: 5- 47

AMENDED IN ASSEMBLY APRIL 8, 1986
AMENDED IN ASSEMBLY MARCH 3, 1986

CALIFORNIA LEGISLATURE—1985-86 REGULAR SESSION

ASSEMBLY BILL

No. 2692

Introduced by Assembly Members Harris, *Member Harris Agnos, Allen, Areias, Bader, Baker, Bane, Bates, Bradley, Bronzan, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Duffy, Eaves, Elder, Farr, Felando, Frazee, Grisham, Hannigan, Hauser, Hill, Hughes, Isenberg, Johnson, Johnston, Jones, Katz, Kelley, Killea, Klehs, Konnyu, La Follette, Lancaster, Leonard, Margolin, McAlister, McClintock, Molina, Mountjoy, Naylor, Nolan, O'Connell, Papan, Roos, Seastrand Sebastiani, Sher, Statham, Stirling, Tanner, Vicencia, Maxine Waters, Norman Waters, Wright, and Wyman*

(Principal coauthors: Assembly Members Willie Brown, Filante, Mojonnier, Moore, and Peace)

(Principal coauthors: Senators Lockyer and Presley)

(Coauthors: *Assembly Members Agnos, Allen, Areias, Bader, Baker, Bane, Bates, Bradley, Bronzan, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Duffy, Eaves, Elder, Farr, Felando, Frazee, Grisham, Hannigan, Hauser, Hill, Hughes, Isenberg, Johnson, Johnston, Jones, Katz, Kelley, Killea, Klehs, Konnyu, La Follette, Lancaster, Leonard, Margolin, McAlister, McClintock, Molina, Mountjoy, Naylor, Nolan, O'Connell, Papan, Roos, Seastrand, Sebastiani, Sher, Statham, Stirling, Tanner, Vicencia, Maxine Waters, Norman Waters, Wright, and Wyman*)

(Coauthors: Senators Ayala, Bergeson, Beverly, Boatwright, Campbell, Carpenter, Deddeh, Dills, Doolittle, Ellis, Foran, Garamendi, Bill Greene, Leroy Greene, Keene, Maddy, Marks, McCorquodale, Mello, Montoya, Morgan, Petris, Roberti, Robbins, Rosenthal, Russell, Seymour, Stiern, Torres, Vuich, and Watson)

January 16, 1986

An act to add *and repeal* Chapter 12 (commencing with Section 11640) to Division 10 of the Health and Safety Code, relating to controlled substances, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2692, as amended, Harris. Illegal drug laboratories.

Existing law contains various provisions defining offenses involving controlled substances subject to the California Uniform Controlled Substances Act and providing for enforcement thereof, including provisions for distribution to local governmental entities of a portion of the proceeds of property forfeited in connection with controlled-substance offenses in order to reimburse law enforcement or prosecutorial costs incurred in connection with the forfeiture proceedings or underlying criminal conviction.

This bill requires the Department of Justice to establish a Clandestine Laboratory Enforcement Program to assist state and local law enforcement and prosecutorial agencies in apprehending and prosecuting persons involved in the unlawful manufacture of controlled substances. Under the bill the department would be required, to the extent of available funding, to (1) reimburse counties and cities, as prescribed, for costs of prosecuting specified controlled-substance offenses, (2) reimburse counties and cities, as prescribed, for law-enforcement personnel costs incurred in investigating specified controlled-substance offenses, and (3) reimburse counties and cities, as prescribed, for costs incurred in removing and disposing of or storing toxic wastes from the site of such a laboratory. The bill would also require the Bureau of Narcotic Enforcement, to the extent of available funding, to provide specified training to law enforcement personnel, make safety equipment available to local enforcement officials, and establish enhanced enforcement teams. The bill would require the department's Crime Prevention Center, to the extent of available funding, to conduct prescribed

informational activities with respect to clandestine controlled-substance laboratories.

The bill would appropriate \$8,500,000 from the General Fund to the department for the purposes of the bill in accordance with a prescribed schedule and would authorize a specified amount to be used for administrative expenses.

The bill would repeal its changes without further action of the Legislature on January 1, 1990.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Chapter 12 (commencing with Section
2 11640) is added to Division 10 of the Health and Safety
3 Code, to read:

4
5 CHAPTER 12. CLANDESTINE LABORATORY
6 ENFORCEMENT PROGRAM
7

8 11640. The Legislature finds and declares that (there
9 has been a recent and rapid expansion in clandestine
10 laboratories illegally producing a variety of controlled
11 substances. These are increasingly sophisticated
12 operations, frequently located in rural areas or working
13 across jurisdictional lines, which pose substantial dangers
14 to the general public from fire, explosion, and the toxic
15 chemicals involved. The controlled substances these
16 laboratories produce, such as analogs of fentanyl,
17 phencyclidine, and methamphetamine, are extremely
18 difficult to detect and analyze and have caused numerous
19 deaths and serious injuries to those who use them.)

20 The Legislature further finds and declares that, given
21 the number and nature of clandestine laboratories, local
22 law enforcement officials in most jurisdictions lack the
23 training, specialized equipment, and resources to
24 adequately enforce existing law. As a result, the public is
25 increasingly endangered by the laboratories themselves
26 while the controlled substances they produce pose a
27 grave danger to those who use them.

1 It is the intent of the Legislature in establishing the
2 Clandestine Laboratory Enforcement Program to
3 provide increased funding for special training,
4 equipment, personnel, and financial assistance to state
5 and local law enforcement officials targeted on the
6 investigation and prosecution of clandestine laboratories.
7 The program shall also increase public awareness of the
8 problems posed by clandestine laboratories and the
9 products they produce.

10 11641. The Department of Justice shall establish a
11 Clandestine Laboratory Enforcement Program to assist
12 state and local law enforcement and prosecutorial
13 agencies in apprehending and prosecuting persons
14 involved in the unlawful manufacture of controlled
15 substances.

16 11642. (a) To the extent moneys are available
17 therefor, the Department of Justice may reimburse local
18 governmental entities for costs of prosecuting violations,
19 attempts to violate, or conspiracies to violate Section
20 11100, 11100.1, 11104, 11105, ~~11379, 11379.6, 11380~~ 11379.6,
21 or 11383. Funding under this subdivision shall not exceed
22 twenty-five thousand dollars (\$25,000) for each
23 prosecution or joint prosecution assisted. All funds
24 allocated to a local governmental entity under this
25 subdivision shall be distributed by that entity only to its
26 prosecutorial agency, to be used solely for investigation
27 and prosecution of these offenses. Funds distributed
28 under this subdivision shall not be used to supplant any
29 local funds that would, in the absence of the provisions of
30 this subdivision, be made available to support the
31 prosecutorial efforts of local agencies.

32 Cases *wholly* financed or reimbursed under any other
33 state or federal program including, but not limited to, the
34 Asset Forfeiture Program (Section 11489), the Major
35 Narcotic Vendors Prosecution Law (Section 13881 of the
36 Penal Code), or the California Career Criminal
37 Apprehension Program (Section 13851 of the Penal
38 Code), shall not be entitled to reimbursement under this
39 subdivision.

40 (b) To the extent moneys are available therefor, the

1 Department of Justice may reimburse local
2 governmental entities for law enforcement personnel
3 expenses, not exceeding ten thousand dollars (\$10,000)
4 per case, incurred in the investigation of violations,
5 attempts to violate, or conspiracies to violate Section
6 11100, 11100.1, 11104, 11105, 11379.6, or 11383. All funds
7 allocated to a local governmental entity under this
8 subdivision shall be distributed by that entity only to its
9 law enforcement agency to be used solely for
10 investigation and detection of these offenses. Funds
11 distributed under this subdivision shall not be used to
12 supplant any local funds that would, in the absence of the
13 provisions of this subdivision, be made available to
14 support the law enforcement efforts of local agencies.
15 Cases financed or reimbursed under any other state or
16 federal program, including, but not limited to, the Asset
17 Forfeiture Program, (Section 11489), the Major Narcotic
18 Vendors Prosecution Law (Section 13881 of the Penal
19 Code), or the California Career Criminal Apprehension
20 Program (Section 13851 of the Penal Code), shall not be
21 entitled to reimbursement under the provisions of this
22 subdivision.

23 (c) To the extent moneys are available therefor, the
24 Department of Justice may reimburse local
25 governmental entities for costs incurred by, or at the
26 direction of, local law enforcement agencies to remove
27 and dispose of or store toxic waste from the sites of
28 laboratories used for the unlawful manufacture of a
29 controlled substance.

30 (d) For the purposes of this section, "local
31 governmental entity" means any city, county, or city and
32 county in this state.

33 (e) *Reimbursement under this section may be*
34 *provided only with respect to costs incurred on or after*
35 *January 1, 1987.*

36 11643. To the extent moneys are available therefor,
37 the Bureau of Narcotic Enforcement in the Department
38 of Justice shall do the following:

39 (a) Provide advanced training to state and local law
40 enforcement personnel on the unique skills, such as

1 detection and identification of chemical substances, and
2 safety precautions, such as safe handling, storage, and
3 disposal of toxic substances, necessary to investigate
4 clandestine laboratories illegally manufacturing
5 controlled substances.

6 (b) Make safety equipment, such as protective
7 clothing and breathing apparatus, available to local law
8 enforcement officials, as needed, on a case-by-case basis
9 in connection with investigation and abatement of
10 laboratories illegally manufacturing controlled
11 substances.

12 (c) Establish enhanced enforcement teams assigned
13 to the investigation of clandestine laboratories illegally
14 manufacturing controlled substances, particularly
15 targeting cabals operating in multiple local jurisdictions.
16 These teams shall include special agents trained in
17 investigating clandestine laboratories, criminalists to
18 analyze the chemicals involved, auditors to conduct
19 financial investigations and initiate forfeiture
20 proceedings pursuant to Chapter 8 (commencing with
21 Section 11470) where warranted, and analysts to monitor
22 the overall pattern and network of these clandestine
23 laboratories across the state, to develop further cases, and
24 to target law enforcement efforts where needed.

25 11644. To the extent moneys are available therefor,
26 the Crime Prevention Center of the Department of
27 Justice shall prepare and disseminate informational
28 materials on the unique dangers posed by clandestine
29 laboratories and the controlled substances they produce.
30 The Crime Prevention Center shall increase public
31 awareness in areas such as the health dangers created by
32 the laboratories themselves, including how to identify
33 and report them, and the unusual effects and dangers of
34 synthetic substances such as analogs of fentanyl, MPPP,
35 phencyclidine, and methamphetamines.

36 11645. The Attorney General shall adopt rules and
37 regulations for the administration and enforcement of
38 this chapter.

39 11646. The Department of Justice shall prepare and
40 submit an interim report to the Legislature on or before

1 January 10, 1988, and shall submit a final report to the
2 Legislature on or before January 10, 1989, setting forth
3 the findings and accomplishments of the Clandestine
4 Laboratory Enforcement Program.

5 11647. *The Department of Justice may utilize not*
6 *more than 5 percent of the moneys appropriated and*
7 *allocated for purposes of subdivision (c) of Section 11643*
8 *to defray its administrative costs under this chapter.*

9 11648. *This chapter shall remain in effect only until*
10 *January 1, 1990, and as of that date is repealed, unless a*
11 *later enacted statute, which is enacted before January 1,*
12 *1990, deletes or extends that date.*

13 SEC. 2. The sum of eight million five hundred
14 thousand dollars (\$8,500,000) is hereby appropriated
15 from the General Fund to the Department of Justice in
16 accordance with the following schedule:

17

- 18 (a) For allocation to cities, counties,
19 and cities and counties to reim-
20 burse prosecution costs pursuant
21 to subdivision (a) of Section 11642
22 of the Health and Safety Code \$1,000,000
- 23 (b) For allocation to cities, counties,
24 and cities and counties to reim-
25 burse law enforcement costs pur-
26 suant to subdivision (b) of Section
27 11642 of the Health and Safety
28 Code 3,000,000
- 29 (c) For allocation to cities, counties,
30 and cities and counties to reim-
31 burse costs of toxic waste removal
32 and disposal or storage pursuant to
33 subdivision (c) of Section 11642 of
34 the Health and Safety Code..... 500,000
- 35 (d) For programs of the Bureau of
36 Narcotic Enforcement specified
37 in Section 11643 3,590,000
- 38 (e) For programs of the Crime Pre-
39 ventation Center specified in Sec-
40 tion 11644 410,000

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AB 2692

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