

City of Sacramento
State Legislature

2

B I L L R E F E R R A L

DATE: FEB 20 1992 COMMITTEE ACTION: _____

TO: Chief Keams, Police DATE: _____

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN: MAR 2 1992

A.B. 2717, As Amended - * Author Connelly

S.B. _____, As Amended _____ * Author _____
*Date of introduction or latest amendment

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303, (1400 K Street, Suite 306, Sacramento, CA 95814.) This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____.

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

Would make it a crime to solicit a minor to join a street gang.

2. This measure should be: (Please circle desired position)

Supported Opposed Supported if Amended
Placed on Watch List Other (explain)

3. Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure on the City. Please make your comments in a format that can be used in a letter to state officials. (Continue on next page or attach additional sheets if necessary.) Gangs are becoming an increasing problem in the City of Sacramento. This bill would have a positive impact on the problem by making it more difficult for gangs to solicit new members. Our youth are facing enough pressures without having to fear being pressured into gang membership.

(Continue answer to Question No. 3 here)

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

N/A

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

Sponsored by Chief John P. Kearns, District Attorney Steve White, Sheriff Glen Craig and Chief Probation Officer, Bob Kelgord. California Police Officers Association is also supporting.

7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

Yes.

No reimbursement is required by this bill as it creates a new crime pursuant to Section 6 of Article XIII B of the California Constitution.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento? 10

FORM COMPLETED BY: Claudia Evans, A.S.O.

DATE: Feb. 28, 1992

ASSEMBLY BILL**No. 2717**

Introduced by Assembly Members Connelly, Alpert, Andal, Bane, Chacon, Epple, Ferguson, Hauser, Hayden, Mays, Murray, O'Connell, Roybal-Allard, and Umberg
(Coauthors: Senators Alquist, Davis, Leroy Greene, and Presley)

February 13, 1992

An act to add Section 186.26 to the Penal Code, relating to criminal street gangs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2717, as introduced, Connelly. Criminal street gangs. Under existing law, the California Street Terrorism Enforcement and Prevention Act, any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year or by imprisonment in the state prison for 1, 2, or 3 years with a minimum sentence of 180 days in the county jail. The California Street Terrorism Enforcement and Prevention Act is repealed as of January 1, 1997.

This bill, in addition, would provide, until January 1, 1997, that any person who, directly or indirectly, utilizes threats, coercion, or intimidation to induce or who solicits another person who is under 18 years of age to actively participate in any criminal street gang, as defined, the members of which engage in a pattern of criminal gang activity, as defined, shall be punished by imprisonment in the state prison for 2, 3, or 4 years. This bill would impose a state-mandated local

program because it would create a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated 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 186.26 is added to the Penal
2 Code, to read:

3 186.26. Any person who, directly or indirectly, utilizes
4 threats, coercion, or intimidation to induce, or solicits,
5 another person who is under 18 years of age to actively
6 participate in any criminal street gang, as defined in
7 subdivision (f) of Section 186.22, the members of which
8 engage in a pattern of criminal gang activity, as defined
9 in subdivision (e) of Section 186.22, shall be punished by
imprisonment in the state prison for two, three, or four
years.

12 SEC. 2. No reimbursement is required by this act
13 pursuant to Section 6 of Article XIII B of the California
14 Constitution because the only costs which may be
15 incurred by a local agency or school district will be
16 incurred because this act creates a new crime or
17 infraction, changes the definition of a crime or infraction,
18 changes the penalty for a crime or infraction, or
19 eliminates a crime or infraction. Notwithstanding Section
20 17580 of the Government Code, unless otherwise
21 specified in this act, the provisions of this act shall become
22 operative on the same date that the act takes effect
23 pursuant to the California Constitution.

O