

AMENDED IN ASSEMBLY MAY 17, 2018

AMENDED IN SENATE JANUARY 3, 2018

SENATE BILL

No. 221

Introduced by Senator Wiener
(Coauthors: Senators Atkins and Galgiani)
(Principal coauthor: Assembly Member Ting)
(Coauthor: Senator Hill)
(Coauthors: Assembly Members Chiu and Berman)

February 2, 2017

~~An act to add Section 1463.23 to the Penal Code, relating to criminal fines.~~ *An act to add Section 4132 to the Food and Agricultural Code, relating to agricultural districts.*

LEGISLATIVE COUNSEL'S DIGEST

SB 221, as amended, Wiener. ~~Criminal fines: HIV prevention and education programs.~~ *Agricultural District 1-A: firearm and ammunition sales at the Cow Palace.*

Existing law generally regulates the transfer of firearms and divides the state into agricultural districts. District 1-A is the County of San Mateo and the City and County of San Francisco. A violation of the statutes governing agricultural districts is generally a misdemeanor.

This bill would, on and after January 1, 2020, prohibit the sale of firearms and ammunition at the Cow Palace located in District 1-A, as specified, and would thereby make a violation of that prohibition a misdemeanor. The bill would exclude from its provisions a gun buy-back event held by a law enforcement agency.

By creating a new crime, this 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 no reimbursement is required by this act for a specified reason.

~~Existing law allows a judge to assess an additional fine in an amount not to exceed \$70 against a person who violates specified sex offenses or controlled substance offenses. Former law, repealed as of January 1, 2018, required that \$50 of this fine be deposited in a special account in the county treasury to be used exclusively to pay for the reasonable costs of establishing and providing an AIDS education program under the direction of the county health department.~~

~~This bill would authorize counties with funds collected pursuant to the above provision as it read on December 31, 2017, to expend the unencumbered balance of those funds on general HIV prevention and education programs.~~

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

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

- 1 SECTION 1. Section 4132 is added to the Food and
- 2 Agricultural Code, to read:
- 3 4132. (a) Notwithstanding any other law, no officer, employee,
- 4 operator, or any lessee of District I-A, as defined in Section 3853,
- 5 may contract for, authorize, or allow the sale of any firearm or
- 6 ammunition on the property or in the buildings that comprise the
- 7 Cow Palace property in San Mateo County and the City and
- 8 County of San Francisco or any successor or additional property
- 9 owned, leased, or otherwise occupied or operated by the district.
- 10 (b) For purposes of this section:
- 11 (1) The definition of “firearm” means the term as included in
- 12 Section 12001 of the Penal Code.
- 13 (2) The term “ammunition” includes assembled ammunition
- 14 for use in a firearm and components of ammunition, including
- 15 smokeless and black powder, and any projectile capable of being
- 16 fired from a firearm with deadly consequence.
- 17 (c) This section does not apply to a gun buy-back event held by
- 18 a law enforcement agency.

1 *(d) This section shall become operative on January 1, 2020.*

2 *SEC. 2. No reimbursement is required by this act pursuant to*
3 *Section 6 of Article XIII B of the California Constitution because*
4 *the only costs that may be incurred by a local agency or school*
5 *district will be incurred because this act creates a new crime or*
6 *infraction, eliminates a crime or infraction, or changes the penalty*
7 *for a crime or infraction, within the meaning of Section 17556 of*
8 *the Government Code, or changes the definition of a crime within*
9 *the meaning of Section 6 of Article XIII B of the California*
10 *Constitution.*

11 ~~SECTION 1. Section 1463.23 is added to the Penal Code, to~~
12 ~~read:~~

13 ~~1463.23. Counties with funds collected pursuant to former~~
14 ~~Section 1463.23, as that section read on December 31, 2017, are~~
15 ~~authorized to expend the unencumbered balance of those funds on~~
16 ~~general HIV prevention and education programs.~~