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An act to amend Section 13332.18 of the Government Code, and to amend Sections 13520, 13526, 13526.1, 13526.2, and 13526.3 of the Penal Code, relating to peace officers.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13332.18 of the Government Code is amended to read:
13332.18. (a) Notwithstanding any other ~~provision of~~ law, and except as specified in subdivision (b), revenues derived from the assessment of fines and penalties by any state agency shall not be expended unless the Legislature specifically provides authority for the expenditure of these funds in the annual Budget Act or other legislation. A fine or penalty is a charge imposed by an agency or department for wrongdoing, in excess of the cost of investigating, processing, or prosecuting the conduct for which the charge is assessed, or the cost of collecting it. A charge reasonably related to a service provided by a department or agency is not a fine or penalty for purposes of this section.

(b) This section ~~shall~~ does not apply to the following:

(1) Any governmental cost fund if the use of revenues subject to this section that are deposited in that fund for General Fund purposes is prohibited by the California Constitution or the United States Constitution.

(2) Late charges collected by state agencies.

(3) Funds collected by a state agency that are required to be maintained by that agency for purposes of administration of a federal program.

(4) A fund established for restitution to victims of the conduct for which the fine or penalty was imposed or for repairing damage to the environment caused by the conduct for which the fine or penalty was imposed.

(5) The following funds, though the omission of any other fund from the list contained in this paragraph shall not be grounds for inferring the applicability of this section:

(A) The Fish and Game Preservation Fund.

(B) The Restitution Fund.

~~(C) The Peace Officers' Training Fund.~~

~~(D)~~

~~(C)~~ The Driver Training Penalty Assessment Fund.

~~(E)~~

~~(D)~~ The Corrections Training Fund.

~~(F)~~

~~(E)~~ The Local Public Prosecutors and Public Defenders Training Fund.

~~(G)~~

~~(F)~~ The Victim-Witness Injury Fund.

~~(H)~~

~~(G)~~ The Traumatic Brain Injury Fund.

~~(I)~~

~~(H)~~ The Industrial Relations Construction Industry Enforcement Fund.

~~(J)~~

~~(I)~~ The Workplace Health and Safety Revolving Fund.

~~(K)~~

~~(J)~~ The Oil Spill Response Trust Fund.

~~(L)~~

~~(K)~~ The Oil Spill Prevention and Administration Fund.

~~(M)~~



(L) The Environmental Enhancement Fund.

(N)

(M) The Recovery Account of the Real Estate Fund.

(O)

(N) The Motor Vehicle Account in the State Transportation Fund.

(P)

(O) The State Highway Account in the State Transportation Fund.

(Q)

(P) The Motor Vehicle License Fee Account in the Transportation Tax Fund.

(R)

(Q) Funds for programs established pursuant to the Food and Agricultural Code that can be terminated through an industry referendum vote.

(c) For the purposes of this section, revenues derived from the assessment of fines and penalties includes interest accrued from the assessment of the fines and penalties.

SEC. 2. Section 13520 of the Penal Code is amended to read:

13520. (a) There is hereby created in the State Treasury a Peace Officers' Training Fund, which is hereby appropriated, without regard to fiscal years, exclusively for costs of administration and for grants to local governments and districts pursuant to this chapter. The fund is abolished on January 1, 2020, and any moneys remaining in the fund shall revert to the State Penalty Fund.

(b) Notwithstanding any other law, the State Penalty Fund is the successor fund to the Peace Officers' Training Fund. All assets, liabilities, revenues, and expenditures of the Peace Officers' Training Fund shall be transferred to, and become a part of, the State Penalty Fund, as provided in Section 16346 of the Government Code. Any references in state law to the Peace Officers' Training Fund shall be construed to refer to the State Penalty Fund.

SEC. 3. Section 13526 of the Penal Code is amended to read:

13526. ~~In no event shall any allocation~~ An allocation shall not be made from the Peace Officers' Training Fund State Penalty Fund, pursuant to this article, to a local government agency if the agency was not entitled to receive funding under any of the provisions of this article, as they read on December 31, 1989.

SEC. 4. Section 13526.1 of the Penal Code is amended to read:

13526.1. (a) It is the intent of the Legislature in adding this section that effect be given to amendments made by Chapter 950 of the Statutes of 1989. The Legislature recognizes those amendments were intended to make port wardens and special officers of the Harbor Department of the City of Los Angeles entitled to allocations from the ~~Peace Officers' Training~~ State Penalty Fund for state aid pursuant to this chapter, notwithstanding the amendments made by Chapter 1165 of the Statutes of 1989, which added Section 13526 to this code.

(b) Notwithstanding Section 13526, for the purposes of this chapter, the port wardens and special officers of the Harbor Department of the City of Los Angeles shall be entitled to receive funding from the ~~Peace Officers' Training~~ State Penalty Fund.

SEC. 5. Section 13526.2 of the Penal Code is amended to read:

13526.2. Notwithstanding Section 13526, for the purposes of this chapter, the housing authority police departments of the City of Los Angeles and the City of Oakland



shall be entitled to receive funding from the ~~Peace Officers' Training Fund~~; State Penalty Fund, pursuant to this article.

SEC. 6. Section 13526.3 of the Penal Code is amended to read:

13526.3. Notwithstanding Section 13526, for the purposes of this chapter, joint powers agencies formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall be entitled to receive funding from the ~~Peace Officers' Training Fund~~; State Penalty Fund, pursuant to this article. This section is declaratory of existing law.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Commission on Peace Officer Standards and Training: State Penalty Fund.

Existing law creates the Peace Officers' Training Fund, a continuously appropriated fund, and until January 1, 2019, required the Commission on Peace Officer Standards and Training (POST), to annually allocate grants from the fund to each city, county, district, or joint powers agency that applied and qualified for aid.

Existing law creates the State Penalty Fund, into which moneys collected by the courts from the imposition of fines, forfeitures, or penalties on criminal offenses are deposited. Existing law authorizes POST to establish and levy appropriate fees in carrying out specified responsibilities relating to training and certifying reserve officers, and requires those fees to be deposited in the State Penalty Fund. Existing law requires POST to annually allocate grants from the State Penalty Fund to each city, county, district, or joint powers agency that applies and qualifies for aid, as specified.

This bill would abolish the Peace Officers' Training Fund and would designate the State Penalty Fund as its successor fund. The bill would make conforming changes.

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

