

Introduced by Assembly Member Holden

February 14, 2014

An act to amend Section 33211.6 of the Public Resources Code, relating to the Santa Monica Mountains Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1767, as introduced, Holden. Santa Monica Mountains Conservancy: property destruction: fines.

Existing law establishes the Santa Monica Mountains Conservancy in the Natural Resources Agency, and prescribes the membership, functions, and duties of the conservancy with regard to the preservation, protection, and management of specified lands in the Santa Monica Mountains. Existing law makes it a misdemeanor to dump any refuse matter, except pursuant to a specified permit, on property owned or managed by the conservancy, and posted against that dumping, or to injure, deface, or destroy any property owned or managed by the conservancy, and makes those crimes punishable by a fine of not more than \$1,000, or imprisonment in the county jail for not more than 6 months, or both that fine and imprisonment.

This bill would increase the maximum fine for those crimes to \$1,500.

Existing law also makes a violation of the posted conditions of use on any property owned or managed by the conservancy a misdemeanor punishable by imprisonment in the county jail not exceeding 90 days, or by a fine of not more than \$1,000, or by both that fine and imprisonment, but provides that the judge may reduce the charged offense to an infraction, punishable by a fine of not less than \$100, nor more than \$500.

This bill would increase the maximum fine for a misdemeanor violation to \$1,500 and would increase the fine for an infraction to not less than \$250, nor more than \$750.

The bill would also require that the revenues from all of those fines be deposited into the Santa Monica Mountains Conservancy Fund, and used, upon appropriation, to pay the costs of any necessary property repairs or clean up related to those violations, with any remaining funds to be used by the conservancy to award specified resource conservation and park grants.

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

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

- P2 1 SECTION 1.
 2 Section 33211.6 of the Public Resources Code
 3 is amended to read:
 4 33211.6.
 5 (a) Dumping any refuse matter, except by permit
 6 signed by the executive director or the executive director's
 7 authorized representative, on property owned or managed by the
 8 conservancy, and posted against that dumping, shall be a
 9 misdemeanor punishable by a fine of not more than one thousand
 10 ~~dollars (\$1,000)~~ five hundred dollars (\$1,500), or imprisonment
 in the county jail for not more than six months, or both that fine
 and imprisonment.

(b) Injuring, defacing, or destroying any property owned or managed by the conservancy or any of the natural features thereof, shall be a misdemeanor punishable by a fine of not more than one thousand ~~dollars (\$1,000)~~ *five hundred dollars (\$1,500)*, or imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

(c) Violation of the posted conditions of use on any property owned or managed by the conservancy is a misdemeanor punishable by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding one thousand ~~dollars (\$1,000)~~ *five hundred dollars (\$1,500)*, or by both that fine and imprisonment, except that at the time a particular action is commenced, the judge may, considering the recommendation of the prosecuting attorney, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after such a reduction shall be punished by a fine of not less than ~~one hundred dollars (\$100)~~ *two hundred fifty dollars (\$250)*, nor more than ~~five hundred dollars (\$500)~~ *seven hundred fifty dollars (\$750)*.

(d) *Any revenues from the fines imposed pursuant to this section shall be deposited into the fund and used, upon appropriation by the Legislature, to pay the costs of any necessary property repairs or clean up related to a violation of this section, with any remaining funds to be used by the conservancy to award grants authorized by Section 33204.*