

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 7, 2011
POSITION: Neutral

BILL NUMBER: SB 296
AUTHOR: R. Wright

BILL SUMMARY: Criminal Street Gangs: Injunction: Exemption Petition

This bill provides that a person subject to a gang injunction may petition the court for an exemption from all or part of the injunction, as specified.

FISCAL SUMMARY

This bill would allow the courts to set a fee at a level to cover the reasonable costs of filing the petition and to the extent that a court imposes and collects such a fee, the filing fee revenue would offset the increased costs to the courts to hear and process these types of petitions.

The Department of Justice indicates that there would be no costs related to this bill.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the March 29, 2011 version do not alter our position. The amendments since our last analysis include permitting the court to charge the petitioner for the reasonable costs of filing the petition, permitting the court to require the petitioner to testify at the hearing, and require the petitioner to notify any prosecuting agency that filed the action for injunction of the filing of the petition.

COMMENTS

The Department of Finance is neutral on this bill.

Existing law provides for injunctive relief from the unlawful activities of criminal street gangs, as specified. This bill would provide that, in addition to any other administrative or judicial remedies, an action relating to an injunction pursuant to specified provisions to enjoin criminal street gang activity, an individual may file with the court a petition on a form developed by the Judicial Council to exempt him or her from the injunction or portions of the injunction. This bill would require the petitioner to state that he or she meets specified conditions and would allow the court to hold an evidentiary hearing and receive any relevant evidence in order to rule on any petition filed related to these provisions.

Analyst/Principal Date Program Budget Manager Date
(0211) J. Osborn Todd Jerue

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**AUTHOR**

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2011-2012	FC	2012-2013	FC	2013-2014	
0250/Jud Branch	SO	No		-----	See Fiscal Summary	-----			0001
0820/Justice	SO	No		-----	No/Minor Fiscal Impact	-----			0001