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AB-896 Counties: search or rescue: costs. (2015-2016)

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Assembly Bill No. 896

CHAPTER 436

An act to add Sections 26614.6 and 26614.7 to the Government Code, relating to local government.

[Approved by Governor October 02, 2015. Filed with Secretary of State October 02, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 896, Wagner. Counties: search or rescue: costs.

Existing law provides that persons whose specified actions cause an incident resulting in an appropriate emergency response are liable for the expenses of an emergency response by a public agency to the incident, up to \$12,000 per incident.

Existing law provides that the board of supervisors of a county may authorize the sheriff to search for and rescue persons, and that the expenses incurred by the sheriff in the performance of those duties are a proper county charge. Existing law also requires the county or city and county of residence of a person, searched for or rescued by a sheriff, to pay to the county or city and county conducting the search or rescue all of the reasonable search or rescue expenses in excess of \$100 within 30 days after the submission of a reimbursement claim.

This bill, notwithstanding the existing provisions relating to liability for specified emergency response expenses, would provide that whenever a county or city and county either receives a reimbursement claim from another county or city and county for a search or rescue, or conducts its own search or rescue, of one of its residents who is 16 years of age or older, the county or city and county may in turn seek reimbursement for the actual costs incurred from that resident, if the need for the search or rescue necessitated the use of extraordinary methods and was caused by an intentional act in knowing violation of any federal or state law or local ordinance that resulted in a criminal conviction of that person for that act. The bill would require the resident to pay within 30 days after being billed. This bill would prohibit the county or city and county from collecting reimbursement from persons whom the county or city and county determines are unable to pay the charges. The bill would prohibit a county or city and county from billing a resident more than \$12,000, adjusted annually for inflation as determined by the Department of Industrial Relations, for a search or rescue, unless the search or rescue was caused by an act that resulted in a felony conviction of that resident under federal or state law. This bill would provide that the county or city and county may only seek reimbursement if the board of supervisors of that county or city and county passes an ordinance consistent with this bill.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 26614.6 is added to the Government Code, to read:

26614.6. (a) Notwithstanding Article 8 (commencing with Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5, whenever a county or city and county is billed for a search or rescue of one of its residents who is 16 years of age or older by another county

or city and county, the county or city and county receiving the bill may in turn seek reimbursement for the actual costs incurred, including, but not limited to, the cost of operating vehicles or aircraft, the salaries of employees, and the cost of providing emergency medical services, from that resident if the need for the search or rescue necessitated the use of extraordinary methods and was caused by an intentional act in knowing violation of any federal or state law or local ordinance that resulted in a criminal conviction of that person for that act.

(b) (1) The county or city and county shall not collect charges from those persons whom the county or city and county determines are unable to pay the charges.

(2) A county or city and county shall not bill a resident under this section more than twelve thousand dollars (\$12,000), adjusted annually for inflation as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, as determined by the Department of Industrial Relations, for a search or rescue unless the search or rescue was caused by an act described in subdivision (a) that resulted in a felony conviction of that resident under any federal or state law.

(c) The county or city and county may only seek reimbursement as authorized by this section if the board of supervisors of that county or city and county passes an ordinance consistent with this section.

SEC. 2. Section 26614.7 is added to the Government Code, to read:

26614.7. (a) Notwithstanding Article 8 (commencing with Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5, when a person 16 years of age or older is a resident of a county or city and county that conducts a search or rescue of that person, that person shall pay the county or city and county conducting the search or rescue for the actual cost incurred for the search or rescue, including, but not limited to, the cost of operating vehicles or aircraft, the salaries of employees, and the cost of providing emergency medical services, within 30 days after being billed for those charges if the need for the search or rescue necessitated the use of extraordinary methods and was caused by an intentional act in knowing violation of any federal or state law or local ordinance that resulted in a criminal conviction of that person for that act.

(b) (1) The county or city and county shall not collect charges from those persons whom the county or city and county determines are unable to pay the charges.

(2) A county or city and county shall not bill a resident under this section more than twelve thousand dollars (\$12,000), adjusted annually for inflation as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, as determined by the Department of Industrial Relations, for a search or rescue unless the search or rescue was caused by an act described in subdivision (a) that resulted in a felony conviction of that resident under any federal or state law.

(c) The county or city and county may only seek reimbursement as authorized by this section if the board of supervisors of that county or city and county passes an ordinance consistent with this section.