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SB-427 Water theft: enhanced penalties. (2021-2022)

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Senate Bill No. 427

CHAPTER 137

An act to add Section 53069.45 to the Government Code, relating to local government.

[Approved by Governor July 23, 2021. Filed with Secretary of State July 23, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 427, Eggman. Water theft: enhanced penalties.

Existing law authorizes the legislative body of a city or a county to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, to \$100 for the first violation, \$200 for a 2nd violation of the same ordinance within one year of the first violation, and \$500 for each additional violation of the same ordinance within one year of the first violation.

This bill would authorize the legislative body of a local agency, as defined, that provides water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified. The bill would require the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified.

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

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

SECTION 1. Section 53069.45 is added to the Government Code, immediately following Section 53069.4, to read:

53069.45. (a) (1) Notwithstanding any other law, the legislative body of a "local agency," as defined in Section 54951, that provides water services, may adopt an ordinance that prohibits water theft and makes a violation of an ordinance enacted by the local agency regarding water theft subject to an administrative fine or penalty, as provided in this section.

(2) The local agency shall adopt an ordinance that sets forth the administrative procedure that shall govern the imposition, enforcement, collection, and administrative review by the local agency of the administrative fines or penalties for water theft.

(3) The local agency shall establish a process for granting a hardship waiver to reduce the amount of the fine imposed for water theft upon a showing by the responsible party that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

(b) If the water theft is committed via meter tampering in violation of an ordinance adopted under this section, it is punishable as follows:

(1) A fine not exceeding one hundred thirty dollars (\$130) for a first violation.

(2) A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year of the first violation.

(3) A fine not exceeding one thousand three hundred dollars (\$1,300) for the third violation and each additional violation of the same ordinance within one year of the first violation.

(c) All other forms of water theft in violation of an ordinance adopted under this section are punishable as follows:

(1) A fine not exceeding one thousand dollars (\$1,000) for a first violation.

(2) A fine not exceeding two thousand dollars (\$2,000) for a second violation of the same ordinance within one year.

(3) A fine not exceeding three thousand dollars (\$3,000) for each additional violation of the same ordinance within one year.

(d) "Water theft" means an action to divert, tamper, or reconnect water utility services, as defined in Section 498 of the Penal Code.