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AB-508 Probation: environmental crimes. (2023-2024)

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Assembly Bill No. 508

CHAPTER 264

An act to add Section 1204.1 to the Penal Code, relating to probation.

[Approved by Governor September 30, 2023. Filed with Secretary of State September 30, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 508, Petrie-Norris. Probation: environmental crimes.

Existing law authorizes courts generally to suspend a criminal sentence and make and enforce terms of probation for a period not to exceed 2 years. Existing law authorizes courts in misdemeanor cases to suspend a sentence and make and enforce terms of probation for a period not to exceed one year.

This bill would instead authorize a court, for entities with more than 10 employees, to impose a period of probation for a maximum period of 5 years in specified crimes relating to, among other things, dumping in waterways, pesticides, oil dumping and spills, waste management, and animal cruelty. By expanding the punishment for a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 1204.1 is added to the Penal Code, to read:

1204.1. (a) The Legislature finds and declares that environmental crimes are public welfare offenses resulting from violations of statutes designed to safeguard against threats or injury to the health and safety of the public and California's environment and precious natural resources.

(b) Notwithstanding Section 1203.1 or 1203a, if an entity is granted probation upon conviction of an environmental crime, the term of probation shall not exceed five years, which may include a period of summary probation as appropriate. For purposes of this section, environmental crimes means violations of any crimes in the following sections:

- (1) Division 9 (commencing with Section 12000) and Section 5650 of the Fish and Game Code.
- (2) Section 12996 of the Food and Agricultural Code.

(3) Sections 132 and 133 of the Harbors and Navigation Code.

(4) Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.

(5) Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code.

(6) Chapters 6.5 (commencing with Section 25100), Chapter 6.67 (commencing with Section 25270), Chapter 6.7 (commencing with Section 25280), and Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code.

(7) Chapter 7.4 (commencing with Section 8670.1) of Division 1 of Title 2 of the Government Code.

(8) Sections 374.2, 374.3, 374.5, 374.7, 374.8, 597, 653o, 653p, and 653q of the Penal Code.

(9) Section 32001 and subdivision (b) of Section 34506 of the Vehicle Code.

(10) Section 13387 of the Water Code.

(c) For purposes of subdivision (b), an entity means a trust, firm, partnership, joint stock company, joint venture, association, limited liability company, corporation, or other legal entity with more than 10 employees.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.