

AMENDED IN SENATE MARCH 26, 2025

SENATE BILL

No. 319

Introduced by Senator Ashby

February 11, 2025

An act to ~~amend Section 186.10 of~~ *add Section 13156 to the Penal Code, relating to crimes: criminal justice statistics.*

LEGISLATIVE COUNSEL'S DIGEST

SB 319, as amended, Ashby. ~~Crimes: money laundering—Criminal justice statistics: reporting.~~

Existing law requires the Judicial Council to collect and maintain statistics, and to publish them at least on a yearly basis, about the compliance of the superior court of each county and each branch court with the standards for the timely disposition of cases, as specified.

Existing law requires criminal justice agencies to compile records and data, including a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release, about criminal offenders. Existing law requires agencies to report this information to the Department of Justice for each arrest made.

This bill would require the Department of Justice to publish on its internet website annual statistical reports providing monthly information for each county related to convictions of certain statutes pertaining to, among other things, theft and possession of narcotics, including, by month, the number of people convicted of these statutes and, for each conviction, whether the conviction was classified as a misdemeanor or a felony.

This bill would also require every county to submit to the department specified data and information, including the county's annual allocation

and expenditure of state and federal funds on sheriff, probation, and court activities, by category and specific grant program, including reimbursement. The bill would require the department to post this data and information on its internet website.

This bill would require, for each person charged with the same certain statutes above, each superior court to submit specified metrics to the Judicial Council, including the outcome of judicial review proceedings mandated by those statutes. The bill would require the Judicial Council to publish an annual report related to the specified metrics on its internet website.

By requiring counties to submit specified data to the Department of Justice, this bill would create 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law makes it a crime to engage in money laundering, defined as conducting a transaction involving a monetary instrument of specified value through a financial institution with the specific intent to promote or facilitate criminal activity or knowing that the monetary instrument represents the proceeds of or is derived from the proceeds of criminal activity.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

- 1 SECTION 1. Section 13156 is added to the Penal Code, to
- 2 read:
- 3 13156. (a) (1) The Department of Justice shall publish annual
- 4 statistical reports providing monthly information for each county
- 5 related to convictions of Section 666.1 of this code and Section
- 6 11395 of the Health and Safety Code as they pertain to all of the
- 7 following:

1 (A) By month, the number of people convicted of violations of
2 Section 666.1 of this code and Section 11395 of the Health and
3 Safety Code and, for each conviction, whether the conviction was
4 classified as a misdemeanor or a felony.

5 (B) By month, the number of people convicted of a violation of
6 Section 666.1 with a prior conviction for a violation of Section
7 666.1.

8 (C) By month, the number of people convicted of a violation of
9 Section 11395 of the Health and Safety Code with a prior
10 conviction for a violation of Section 11395 of the Health and Safety
11 Code.

12 (D) For each conviction of Section 666.1 of this code and
13 Section 11395 of the Health and Safety Code, the number of people
14 convicted who had two or more convictions for offenses referred
15 to in paragraph (2) of subdivision (a) of Section 666.1 and
16 subdivision (c) of Section 11395 of the Health and Safety Code in
17 the last year, the last 3 years, the last 5 years, the last 10 years,
18 and the last 20 years.

19 (E) For each conviction of Section 666.1 of this code and Section
20 11395 of the Health and Safety Code, by month, the number of
21 people with 2, 3, 4, 5, 6, 7, 8, 9, and 10 or more prior convictions.

22 (2) The department shall post the information submitted
23 pursuant to paragraph (1) on its internet website.

24 (b) (1) Every county shall submit to the Department of Justice
25 the following data and information that shall be submitted in a
26 form, manner, and in accordance with timelines prescribed by the
27 department:

28 (A) The county's annual allocation and expenditure of state and
29 federal funds on sheriff, probation, and court activities, by category
30 and specific grant program, including any reimbursements.

31 (B) The amount of annual and cumulative unspent state and
32 federal funds in accounts related to sheriff, probation, and court
33 activities, including funds in a reserve account, by category and
34 specific grant program, including any reimbursements.

35 (C) The county's annual expenditure of county general funds
36 and other funds, by category, on sheriff, probation, and court
37 activities.

38 (D) The fund sources and amounts spent annually as the
39 nonfederal share for Medi-Cal, including specialty mental health

1 services and substance use disorder treatment services, by
2 category.

3 (E) All administrative costs associated with sheriff, probation
4 and court activities, by category.

5 (F) All contracted sheriff, probation, and court services, and
6 the cost of those contracted services, by category.

7 (2) The department shall post the information received pursuant
8 to paragraph (1) on its internet website.

9 (c) (1) For each person charged with an offense under Section
10 666.1 and for each person charged with an offense under Section
11 11395 of the Health and Safety Code, each superior court shall
12 submit all of the following metrics to the Judicial Council:

13 (A) By month, the number of people diverted to a program
14 pursuant to Section 11395 of the Health and Safety Code,
15 disaggregated by race and gender.

16 (B) The average daily enrollment in those programs,
17 disaggregated by race and gender.

18 (C) By month, the number of people discharged from those
19 programs, disaggregated by race, gender, and type of discharge,
20 including, but not limited to, successful completion or unsuccessful
21 termination. For unsuccessful terminations, the report shall
22 indicate the reason for termination, including, but not limited to,
23 not benefitting from treatment, not amenable to treatment, refused
24 treatment, or convicted of a crime committed after treatment
25 started.

26 (D) By month, the number of people who received services billed
27 to Medi-Cal that were ordered or related to their involvement in
28 a program described in subdivision (a), and the types of services
29 or benefits received in a manner consistent with Current
30 Procedural Terminology or the Healthcare Common Procedure
31 Coding System, disaggregated by race and gender.

32 (E) The number of people who received services billed to
33 Medi-Cal or private payees not billed to Medi-Cal that were
34 ordered or related to their involvement in a program described in
35 subdivision (a) and the types of services or benefits received in a
36 manner consistent with Current Procedural Terminology or the
37 Healthcare Common Procedure Coding System, disaggregated by
38 race, gender, and payee.

39 (F) The total number of treatment hours billed to Medi-Cal for
40 all participants in programs described in subdivision (a),

1 *disaggregated by service description, provider type, and procedure*
2 *code, and the source of funds for the nonfederal share of Medi-Cal.*

3 *(G) The mental health or substance use disorder diagnosis, or*
4 *both, for individuals diverted to a program.*

5 *(H) The outcome of judicial review proceedings mandated by*
6 *subdivision (c) of Section 666.1 and subdivision (f) of Section*
7 *11395 of the Health and Safety Code.*

8 *(2) The Judicial Council shall publish an annual report*
9 *containing the metrics in subparagraphs (A) to (H), inclusive, of*
10 *paragraph (1) on its internet website.*

11 *SEC. 2. If the Commission on State Mandates determines that*
12 *this act contains costs mandated by the state, reimbursement to*
13 *local agencies and school districts for those costs shall be made*
14 *pursuant to Part 7 (commencing with Section 17500) of Division*
15 *4 of Title 2 of the Government Code.*

16 **SECTION 1.** ~~Section 186.10 of the Penal Code is amended to~~
17 ~~read:~~

18 ~~186.10.—(a) A person who conducts or attempts to conduct a~~
19 ~~transaction or more than one transaction within a seven-day period~~
20 ~~involving a monetary instrument or instruments of a total value~~
21 ~~exceeding five thousand dollars (\$5,000), or a total value exceeding~~
22 ~~twenty-five thousand dollars (\$25,000) within a 30-day period,~~
23 ~~through one or more financial institutions either (1) with the~~
24 ~~specific intent to promote, manage, establish, carry on, or facilitate~~
25 ~~the promotion, management, establishment, or carrying on of~~
26 ~~criminal activity, or (2) knowing that the monetary instrument~~
27 ~~represents the proceeds of, or is derived directly or indirectly from~~
28 ~~the proceeds of, criminal activity, is guilty of the crime of money~~
29 ~~laundering. The aggregation periods do not create an obligation~~
30 ~~for financial institutions to record, report, create, or implement~~
31 ~~tracking systems or otherwise monitor transactions involving~~
32 ~~monetary instruments in any time period. In consideration of the~~
33 ~~constitutional right to counsel afforded by the Sixth Amendment~~
34 ~~to the United States Constitution and Section 15 of Article I of the~~
35 ~~California Constitution, if a case involves an attorney who accepts~~
36 ~~a fee for representing a client in a criminal investigation or~~
37 ~~proceeding, the prosecution shall additionally be required to prove~~
38 ~~that the monetary instrument was accepted by the attorney with~~
39 ~~the intent to disguise or aid in disguising the source of the funds~~
40 ~~or the nature of the criminal activity.~~

~~A violation of this section shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170, by a fine of not more than two hundred fifty thousand dollars (\$250,000) or twice the value of the property transacted, whichever is greater, or by both that imprisonment and fine. However, for a second or subsequent conviction for a violation of this section, the maximum fine that may be imposed is five hundred thousand dollars (\$500,000) or five times the value of the property transacted, whichever is greater.~~

~~(b) Notwithstanding any other law, for purposes of this section, each individual transaction conducted in excess of five thousand dollars (\$5,000), each series of transactions conducted within a seven-day period that total in excess of five thousand dollars (\$5,000), or each series of transactions conducted within a 30-day period that total in excess of twenty-five thousand dollars (\$25,000), shall constitute a separate, punishable offense.~~

~~(c) (1) A person who is punished under subdivision (a) by imprisonment pursuant to subdivision (h) of Section 1170 shall also be subject to an additional term of imprisonment pursuant to subdivision (h) of Section 1170 as follows:~~

~~(A) If the value of the transaction or transactions exceeds fifty thousand dollars (\$50,000) but is less than one hundred fifty thousand dollars (\$150,000), the court, in addition to and consecutive to the felony punishment otherwise imposed pursuant to this section, shall impose an additional term of imprisonment of one year.~~

~~(B) If the value of the transaction or transactions exceeds one hundred fifty thousand dollars (\$150,000) but is less than one million dollars (\$1,000,000), the court, in addition to and consecutive to the felony punishment otherwise imposed pursuant to this section, shall impose an additional term of imprisonment of two years.~~

~~(C) If the value of the transaction or transactions exceeds one million dollars (\$1,000,000), but is less than two million five hundred thousand dollars (\$2,500,000), the court, in addition to and consecutive to the felony punishment otherwise imposed pursuant to this section, shall impose an additional term of imprisonment of three years.~~

~~(D) If the value of the transaction or transactions exceeds two million five hundred thousand dollars (\$2,500,000), the court, in~~

1 addition to and consecutive to the felony punishment otherwise
2 prescribed by this section, shall impose an additional term of
3 imprisonment of four years.

4 (2) (A) An additional term of imprisonment as provided for in
5 this subdivision shall not be imposed unless the facts of a
6 transaction or transactions, or attempted transaction or transactions,
7 of a value described in paragraph (1), are charged in the accusatory
8 pleading, and are either admitted to by the defendant or are found
9 to be true by the trier of fact.

10 (B) An additional term of imprisonment as provided for in this
11 subdivision may be imposed with respect to an accusatory pleading
12 charging multiple violations of this section, regardless of whether
13 any single violation charged in that pleading involves a transaction
14 or attempted transaction of a value covered by paragraph (1), if
15 the violations charged in that pleading arise from a common
16 scheme or plan and the aggregate value of the alleged transactions
17 or attempted transactions is of a value covered by paragraph (1).

18 (d) All pleadings under this section shall remain subject to the
19 rules of joinder and severance stated in Section 954.