
Introduced by Senator Ashby

February 11, 2025

An act to amend Section 186.10 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 319, as introduced, Ashby. Crimes: money laundering.

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.
State-mandated local program: no.

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

1 SECTION 1. Section 186.10 of the Penal Code is amended to
2 read:
3 186.10. (a) ~~Any~~A person who conducts or attempts to conduct
4 a transaction or more than one transaction within a seven-day
5 period involving a monetary instrument or instruments of a total
6 value exceeding five thousand dollars (\$5,000), or a total value
7 exceeding twenty-five thousand dollars (\$25,000) within a 30-day
8 period, through one or more financial institutions *either* (1) with
9 the specific intent to promote, manage, establish, carry on, or
10 facilitate the promotion, management, establishment, or carrying

1 on of ~~any~~ criminal activity, or (2) knowing that the monetary
2 instrument represents the proceeds of, or is derived directly or
3 indirectly from the proceeds of, criminal activity, is guilty of the
4 crime of money laundering. The aggregation periods do not create
5 an obligation for financial institutions to record, report, create, or
6 implement tracking systems or otherwise monitor transactions
7 involving monetary instruments in any time period. In
8 consideration of the constitutional right to counsel afforded by the
9 Sixth Amendment to the United States Constitution and Section
10 15 of Article I of the California Constitution, ~~when~~ *if* a case
11 involves an attorney who accepts a fee for representing a client in
12 a criminal investigation or proceeding, the prosecution shall
13 additionally be required to prove that the monetary instrument was
14 accepted by the attorney with the intent to disguise or aid in
15 disguising the source of the funds or the nature of the criminal
16 activity.

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

26 (b) Notwithstanding any other law, for purposes of this section,
27 each individual transaction conducted in excess of five thousand
28 dollars (\$5,000), each series of transactions conducted within a
29 seven-day period that total in excess of five thousand dollars
30 (\$5,000), or each series of transactions conducted within a 30-day
31 period that total in excess of twenty-five thousand dollars
32 (\$25,000), shall constitute a separate, punishable offense.

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

37 (A) If the value of the transaction or transactions exceeds fifty
38 thousand dollars (\$50,000) but is less than one hundred fifty
39 thousand dollars (\$150,000), the court, in addition to and
40 consecutive to the felony punishment otherwise imposed pursuant

1 to this section, shall impose an additional term of imprisonment
2 of one year.

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

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

15 (D) If the value of the transaction or transactions exceeds two
16 million five hundred thousand dollars (\$2,500,000), the court, in
17 addition to and consecutive to the felony punishment otherwise
18 prescribed by this section, shall impose an additional term of
19 imprisonment of four years.

20 (2) (A) An additional term of imprisonment as provided for in
21 this subdivision shall not be imposed unless the facts of a
22 transaction or transactions, or attempted transaction or transactions,
23 of a value described in paragraph (1), are charged in the accusatory
24 pleading, and are either admitted to by the defendant or are found
25 to be true by the trier of fact.

26 (B) An additional term of imprisonment as provided for in this
27 subdivision may be imposed with respect to an accusatory pleading
28 charging multiple violations of this section, regardless of whether
29 any single violation charged in that pleading involves a transaction
30 or attempted transaction of a value covered by paragraph (1), if
31 the violations charged in that pleading arise from a common
32 scheme or plan and the aggregate value of the alleged transactions
33 or attempted transactions is of a value covered by paragraph (1).

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

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