

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 612

Introduced by ~~Senator Simitian~~ *Senators Simitian, Cogdill, and Margett*

February 22, 2007

An act to amend Section 786 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 612, as amended, Simitian. Crime.

Existing law provides that the jurisdiction of a criminal action for unauthorized use of personal identifying information includes the county in which the theft of the information occurred and the county in which the information was used for an illegal purpose.

This bill would expand these *jurisdiction* provisions to include *the crimes of* unauthorized retention and transfer of personal identifying information, as defined. This bill would also add the county in which the victim resided at the time the offense was committed to the jurisdictions in which a criminal action may be brought for commission of these crimes.

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 786 of the Penal Code is amended to
2 read:
3 786. (a) When property taken in one jurisdictional territory
4 by burglary, carjacking, robbery, theft, or embezzlement has been
5 brought into another, or when property is received in one

1 jurisdictional territory with the knowledge that it has been stolen
2 or embezzled and the property was stolen or embezzled in another
3 jurisdictional territory, the jurisdiction of the offense is in any
4 competent court within either jurisdictional territory, or any
5 contiguous jurisdictional territory if the arrest is made within the
6 contiguous territory, the prosecution secures on the record the
7 defendant's knowing, voluntary, and intelligent waiver of the right
8 of vicinage, and the defendant is charged with one or more property
9 crimes in the arresting territory.

10 (b) (1) The jurisdiction of a criminal action for unauthorized
11 use, retention, or transfer of personal identifying information, as
12 defined in subdivision (b) of Section 530.55 ~~of the Penal Code,~~
13 shall also include the county where the theft of the personal
14 identifying information occurred, the county in which the victim
15 resided at the time the offense was committed, or the county where
16 the information was used for an illegal purpose. If multiple offenses
17 of unauthorized use of personal identifying information, all
18 involving the same defendant or defendants and the same personal
19 identifying information belonging to the one person, occur in
20 multiple jurisdictions, any one of those jurisdictions is a proper
21 jurisdiction for all of the offenses.

22 (2) When charges alleging multiple offenses of unauthorized
23 use of personal identifying information occurring in multiple
24 territorial jurisdictions are filed in one county pursuant to this
25 section, the court shall hold a hearing to consider whether the
26 matter should proceed in the county of filing, or whether one or
27 more counts should be severed. The district attorney filing the
28 complaint shall present evidence to the court that the district
29 attorney in each county where any of the charges could have been
30 filed has agreed that the matter should proceed in the county of
31 filing. In determining whether all counts in the complaint should
32 be joined in one county for prosecution, the court shall consider
33 the location and complexity of the likely evidence, where the
34 majority of the offenses occurred, the rights of the defendant and
35 the people, and the convenience of, or hardship to, the victim and
36 witnesses.

37 (3) *When an action for unauthorized use, retention, or transfer*
38 *of personal identifying information is filed in the county in which*
39 *the victim resided at the time the offense was committed, and no*
40 *other basis for the jurisdiction applies, the court, upon its own*

1 *motion or the motion of the defendant, shall hold a hearing to*
2 *determine whether the county of the victim's residence is the proper*
3 *venue for trial of the case. In ruling on the matter, the court shall*
4 *consider the rights of the parties, the access of the parties to*
5 *evidence, the convenience to witnesses, and the interests of justice.*

6 (c) This section shall not be interpreted to alter victims' rights
7 under Section 530.6.

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