

SUMMARY ANALYSIS OF AMENDED BILL

Author: La Suer Analyst: Rachel Coco Bill Number: AB 2367
 Related Bills: See Prior Analysis Telephone: 845-4328 Amended Date: May 26, 2006
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Criminal Penalties/Divulging Of Software/Check Cashers

- DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- AMENDMENTS DID NOT RESOLVE THE DEPARTMENTS CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- FURTHER AMENDMENTS NECESSARY.
- DEPARTMENT POSITION CHANGED TO _____.
- REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED February 23, 2006, STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would clarify the penalties for persons who willfully divulge computer software obtained by subpoena and for check cashers that willfully fail to report information to the Franchise Tax Board (FTB) regarding certain check cashing transactions.

This bill would also make numerous other amendments relating to crimes. These amendments do not impact the Franchise Tax Board (FTB) and are not discussed in this analysis.

SUMMARY OF AMENDMENTS

The May 26, 2006, amendments added a provision that would modify the punishment and length of imprisonment for check cashers that willfully fail to report information to FTB regarding certain check cashing transactions. The amendments also made numerous technical corrections. As a result of the amendments, the "This Bill" discussion as provided in the analysis of the bill as introduced February 23, 2006, has been revised. The remainder of the analysis still applies.

POSITION

Pending.

Board Position:	Legislative Director	Date
<input type="checkbox"/> S	Brian Putler	6/20/06
<input type="checkbox"/> NA		
<input type="checkbox"/> SA		
<input type="checkbox"/> N		
<input type="checkbox"/> NP		
<input type="checkbox"/> O		
<input type="checkbox"/> NAR		
<input checked="" type="checkbox"/> PENDING		

ANALYSIS

THIS BILL

Under current state law, willful failure by check cashers to file information reports regarding check cashing transactions is punishable by a fine of up to \$25,000 for individuals or \$100,000 for corporations, or imprisonment for up to one year, or both.

This bill would specify the term of imprisonment for willful failure to file information returns to be imprisonment in a county jail for not more than a year, or in the state prison, or by both the fine and imprisonment.

Current state law provides that the punishment for willfully divulging computer software is either a misdemeanor or a felony, at the court's discretion, and if convicted, the offense is punishable by imprisonment in the county jail not to exceed one year, or in state prison not to exceed five years, or by a fine of up to \$5,000 or both, at the discretion of the court.

This bill would change the term of punishment for persons who willfully divulge computer software. Under this bill, the punishment would be imprisonment in a county jail for not more than a year, or in the state prison, at the discretion of the court, by a fine of not more than \$5,000, or by both that fine and imprisonment, at the discretion of the court.

BACKGROUND

In 1976, California enacted its determinate sentencing law. Most criminal penalties were made determinate by SB 42, Chapter 1139, Statutes of 1976. However, approximately two dozen non-life indeterminate sentences remain in law. This bill would change those to determinate sentences thereby conforming to the current sentencing structure.

ECONOMIC IMPACT

This bill would not impact the state's tax revenues.

LEGISLATIVE STAFF CONTACT

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