

AMENDED IN ASSEMBLY MAY 30, 2017
AMENDED IN ASSEMBLY FEBRUARY 23, 2017
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 222

**Introduced by Assembly Member Bocanegra
(Coauthors: Assembly Members Cristina Garcia, Chiu, and Medina)**

January 26, 2017

An act to ~~amend Section~~ *repeal Sections 113 and 114* of the Penal Code, relating to false documents.

LEGISLATIVE COUNSEL'S DIGEST

AB 222, as amended, Bocanegra. False documents.

Existing law, added by Proposition 187, which was approved by the voters at the November 8, 1994, statewide general election, makes it a felony to manufacture or distribute false documents to conceal the true citizenship or resident alien status of another person. Proposition 187 also makes it a felony for a person to use false documents to conceal his or her true citizenship or resident alien status. The California Constitution authorizes the Legislature to amend an initiative statute by another statute that becomes effective only when approved by the electors.

This bill would amend Proposition 187 by repealing the above-referenced crimes. The bill would require the Secretary of State to submit the provisions of the bill that amend Proposition 187 to the electors for their approval at a statewide election.

~~Existing law, added by Proposition 187, which was approved by the voters at the November 8, 1994, statewide general election, provides that any person who uses false documents to conceal his or her true~~

citizenship or resident alien status is guilty of a felony, and shall be punished by imprisonment in the state prison for 5 years or by a fine of \$25,000. Proposition 187 authorizes the Legislature to substantively amend the proposition absent voter approval by a statute that furthers the purposes of the proposition and is passed with a $\frac{2}{3}$ vote of each house of the Legislature.

This bill would reclassify the offense as a felony or misdemeanor and reduce the duration of imprisonment under these provisions to a period of 16 months, or 2 or 3 years for a felony conviction or a period in the county jail for a misdemeanor conviction. The bill would reduce the maximum fine for a violation of the offense from \$25,000 to \$10,000.

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 *SECTION 1. Section 113 of the Penal Code is repealed.*

2 ~~113. Any person who manufactures, distributes or sells false~~
 3 ~~documents to conceal the true citizenship or resident alien status~~
 4 ~~of another person is guilty of a felony, and shall be punished by~~
 5 ~~imprisonment pursuant to subdivision (h) of Section 1170 for five~~
 6 ~~years or by a fine of seventy-five thousand dollars (\$75,000).~~

7 *SEC. 2. Section 114 of the Penal Code is repealed.*

8 ~~114. Any person who uses false documents to conceal his or~~
 9 ~~her true citizenship or resident alien status is guilty of a felony,~~
 10 ~~and shall be punished by imprisonment pursuant to subdivision~~
 11 ~~(h) of Section 1170 for five years or by a fine of twenty-five~~
 12 ~~thousand dollars (\$25,000).~~

13 *SEC. 3. (a) Sections 1 and 2 of this act repeal Sections 113*
 14 *and 114 of the Penal Code, thereby amending Proposition 187,*
 15 *an initiative statute, approved by the voters at the November 8,*
 16 *1994, statewide general election, and shall become effective only*
 17 *when submitted to and approved by the voters at a statewide*
 18 *election.*

19 *(b) The Secretary of State shall submit Sections 1 and 2 of this*
 20 *act to the voters for their approval in accordance with Section*
 21 *9040 of the Elections Code.*

22 ~~SECTION 1. Section 114 of the Penal Code is amended to~~
 23 ~~read:~~

1 ~~114. Any person who uses false documents to conceal his or~~
2 ~~her true citizenship or resident alien status shall be punished by~~
3 ~~imprisonment pursuant to subdivision (h) of Section 1170 or by~~
4 ~~imprisonment in the county jail, or by a fine of ten thousand dollars~~
5 ~~(\$10,000).~~

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