

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Ashley

SUBMITTAL DATE: March 4, 2004

SUBJECT: Position on AB 1924 by Assembly Member Bogh and co-authored by Senator Battin

RECOMMENDED MOTION: That the Board:

- 1) Support AB 1924 and direct the Executive Office and Board's Sacramento representatives to further the Board's position, and
- 2) Direct County departments to review related ordinances and policies, and return to the Board with appropriate recommendations to make County ordinances and policies consistent with AB 1924.

BACKGROUND: Under my direction, the Fifth District Trash Task Force has been working with my staff and Assembly Member Bogh's and Senator Battin's offices to develop more stringent penalties for those activities that lead to unwanted fires. AB 1924 mandates tougher penalties for those convicted of arson, for people who go on to lands that are closed because of fire danger, and on solid waste facility owners who operate facilities in an unsafe fashion. Where appropriate, County ordinances and policies should be changed to be consistent with this legislation.

Existing law authorizes a court to impose a fine not to exceed \$50,000 against a person who is convicted of felony arson. If a person is convicted of arson and the reason he or she committed the arson was for pecuniary gain, the court is authorized to impose, in addition to any other penalty, and instead of the fine described above, a fine of twice the anticipated or actual gross gain. This bill would require, rather than authorize, a court to impose those fines.

Current law authorizes the Director of Forestry and Fire Protection, by proclamation, upon a showing that unrestricted use of any grass-covered land, grain-covered land, brush-covered land, or forest-covered land is a menace to life or property due to conditions tending to cause or allow the rapid spread of fires, to require that the area be closed to hunting and fishing and to entry by any person, except as specified. Existing law provides that a person who violates the closure proclamation shall be punished by a fine of not less than \$50 nor more than \$1,000, or by imprisonment in the county jail, as provided, or by both the fine and the imprisonment. This bill would increase the fine to not less than \$100 nor more than \$2,000.

Existing law provides that any person who maintains any solid waste facility in violation of specified laws relating to flammable solid waste shall be punished for a first conviction by a fine not to exceed \$250 and for a 2nd or subsequent conviction within 5 years of a prior conviction, by a fine not less than \$250 or more than \$1,000, or by imprisonment in the county jail, as provided, or by both the fine and imprisonment. This bill would increase the fines to not more than \$500 for a first conviction, and not less than \$500 or more than \$2,000 for a 2nd or subsequent conviction within 5 years of a prior conviction.

Marion Ashley, Supervisor
Fifth District

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