

ASSEMBLY BILL

No. 1082

Introduced by Assembly Member Torrico

February 27, 2009

An act to add Section 139 to the Health and Safety Code, to add Section 646.95 to the Penal Code, and to add Sections 6051.8 and 6201.7 to the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1082, as introduced, Torrico. Sales and use taxes: Domestic Violence Prevention Fund: Domestic Abuser Surveillance Fund.

The Sales and Use Tax Law imposes a tax on the sale of or the storage, use, or other consumption of tangible personal property in this state at specified rates.

This bill would, in addition, impose a tax on the sale of or the storage, use, or other consumption of, tangible personal property that is harmful matter, as defined, in this state at a rate of ____%. This bill would create the Domestic Violence Prevention Fund and the Domestic Abuser Surveillance Fund and would require that all revenues, less refunds, derived from the tax be transferred to the funds. This bill would continuously appropriate all of the money in the Domestic Violence Prevention Fund to the State Department of Health Services for programs that support survivors of domestic violence and sexual assault and in The Domestic Abuser Surveillance Fund to the Department of Corrections and Rehabilitation to fund a tracking system of domestic abusers and stalkers.

This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article

XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

This bill would take effect immediately as a tax levy.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 139 is added to the Health and Safety
2 Code, to read:

3 139. The Domestic Violence Prevention Fund is hereby
4 established in the State Treasury. Notwithstanding Section 13340
5 of the Government Code, all moneys in the fund are hereby
6 continuously appropriated, without regard to fiscal year, to the
7 State Department of Health Services for programs that support
8 survivors of sexual assault, stalking, domestic violence, and rape.

9 SEC. 2. Section 646.95 is added to the Penal Code, to read:

10 646.95. The Domestic Abuser Surveillance Fund is hereby
11 established in the State Treasury. Notwithstanding Section 13340
12 of the Government Code, all moneys in the fund are hereby
13 continuously appropriated, without regard to fiscal year, to the
14 Department of Corrections and Rehabilitation for programs to
15 monitor an offender who is on parole for domestic violence or
16 stalking, or sentenced to probation for domestic violence or
17 stalking, or on a conditional discharge for a violation of an order
18 of protection, to be placed under an electronic surveillance system
19 that will both allow peace officers to speak to the offender through
20 the surveillance device and warn potential victims of the offender's
21 presence in a forbidden zone.

22 SEC. 3. Section 6051.8 is added to the Revenue and Taxation
23 Code, to read:

24 6051.8. (a) In addition to any other taxes imposed by this part,
25 for the privilege of selling tangible personal property that is harmful
26 matter, as defined by Section 313 of the Penal Code, at retail, a
27 tax is hereby imposed upon all retailers at the rate of ____-percent
28 of the gross receipts of any retailer from the sale of all tangible
29 personal property that is harmful matter sold at retail in this state.

30 (b) Notwithstanding any other provision of this part, all
31 revenues, less refunds, derived from the ____ percent tax imposed
32 pursuant to this section shall be transferred as follows:

1 (1) _____ percent to the Domestic Violence Prevention Fund
2 created by Section 139 of the Health and Safety Code.

3 (2) _____ percent to the Domestic Abuser Surveillance Fund
4 created by Section 646.95 of the Penal Code.

5 SEC. 4. Section 6201.7 is added to the Revenue and Taxation
6 Code, to read:

7 6201.7. (a) In addition to the taxes imposed by any other
8 provision of this part, an excise tax is hereby imposed on the
9 storage, use, or other consumption in this state of tangible person
10 property that is harmful matter, as defined by Section 313 of the
11 Penal Code, purchased from any retailer for storage, use, or other
12 consumption in this state at the rate of _____ percent of the sales
13 price of the property.

14 (b) Notwithstanding any other provision of this part, all
15 revenues, less refunds, derived from the _____-percent tax imposed
16 pursuant to this section shall be as follows:

17 (1) _____ percent to the Domestic Violence Prevention Fund
18 created by Section 139 of the Health and Safety Code.

19 (2) _____ percent to the Domestic Abuser Surveillance Fund
20 created by Section 646.95 of the Penal Code.

21 SEC. 5. This act provides for a tax levy within the meaning of
22 Article IV of the Constitution and shall go into immediate effect.