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COUNTY OF MENDOCINO
BOARD OF SUPERVISORS

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April 12, 2012

The Honorable Wesley Chesbro, Assemblymember
First District
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

RE: Letter of Support - AB 2284 (Irrigation - To Prevent and Mitigate Marijuana Cultivation on State Land)

Dear Assemblymember Chesbro:

On behalf of the Mendocino County Board of Supervisors, thank you for authoring AB 2284, a bill to prevent and mitigate marijuana cultivation on state land. The bill, as written, would authorize law enforcement officers to investigate drivers transporting agricultural irrigation supplies through resource land, giving law enforcement more tools to prevent, investigate, and clean up illegal grow sites.

Marijuana cultivation on state land has increasingly become a problem throughout the state, especially in Mendocino County. Our community has been hit particularly hard with the loss of beloved community-members in tragic incidents involving illegal cultivation activities on public and private lands.

The Mendocino County Board of Supervisors has consistently advocated to support measures to address illegal marijuana cultivation on public and private lands, for the safety of our constituents and law enforcement officers, and for the protection of our environment. For these reasons, we offer our strong support of AB 2284, and urge its passage in the State Legislature. Questions regarding this communication may be directed to the Mendocino County Executive Office at 707-463-4441.

Sincerely,

John McCowen, Chair
Mendocino County Board of Supervisors

cc: The Honorable Noreen Evans, Senator
Assembly Committee on Public Safety
Assembly Committee on Water, Parks, and Wildlife
California State Association of Counties (CSAC)
Mendocino County Sheriff's Office (MCSO)

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AB 2284 (Chesbro)

Preventing and Mitigating Marijuana Cultivation on State Land

Summary

AB 2284 would allow local law enforcement to pull over and question drivers transporting agricultural irrigation supplies through resource land and adds additional civil penalties to violators of Fish and Game Codes 1602, 5650 and 5652 in conjunction with marijuana cultivation on resource land.

Problem

Marijuana cultivation on resource land (including state parks, state forests, national forests, and timberland) has become rampant. It is no longer safe for the public to take advantage of the amazing natural resource in the state. Additionally, the practices used to cultivate marijuana are extremely damaging to the environment.

Background

AB 2284 was drafted in response to concerns voiced by the law enforcement committee. They found that there were many occasions when officers would see people entering resource land with irrigation supplies in plain sight. They could not stop them to simply ask questions and possibly stop a marijuana cultivation site before it was planted. Preventing the site from being established provides enhanced safety for law enforcement who do not have to put their lives in danger to bust sites that have already been established with possibly armed suspects.

This bill adds additional civil penalties to violators of Fish and Game Codes 1602(stream bed diversion), 5650 (pollution) and 5652 (littering state waterways) in conjunction with marijuana cultivation on resource land. The funds would be allocated between the county DA's office (30%), the lead investigating agency (30%) and the lead cleanup agency (40%) to reimburse their costs. Many law enforcement Agencies including the Department of Fish and Game do not have sufficient funding to complete these activities and are unable to complete investigations and prosecute suspects for these crimes.

Support

Mendocino County Sheriff's Department

Contact

Emily Rogers
Office of Assemblyman Wesley Chesbro
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AB-2284 Irrigation. (2011-2012)

Senate:

Assembly: Int 1st Cmt

Bill Status	
Measure:	AB-2284
Lead Authors:	Chesbro (A)
Principal Coauthors:	-
Coauthors:	-
Topic:	Irrigation.
31st Day in Print:	03/27/12
Title:	An act to add Section 12025 to the Fish and Game Code, and to add and repeal Section 2429.7 <i>amend Section 2810</i> of the Vehicle Code, relating to marijuana cultivation <i>irrigation</i> .
House Location:	Assembly
Last Amended Date:	04/11/12
Committee Location:	Asm Public Safety
Committee Hearing Date:	04/17/12

Type of Measure
Active Bill - In Desk Process
Majority Vote Required
Non-Appropriation
Fiscal Committee
State-Mandated Local Program
Non-Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
04/11/12	From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.
04/09/12	Re-referred to Com. on PUB. S.
03/29/12	From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.
03/29/12	Referred to Coms. on PUB. S. and W., P. & W.
02/27/12	Read first time.



AB-2284 Irrigation. (2011-2012)

AMENDED IN ASSEMBLY APRIL 11, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE— 2011–2012 REGULAR SESSION

ASSEMBLY BILL

No. 2284

Introduced by Assembly Member Chesbro

February 24, 2012

**An act to add Section 12025 to the Fish and Game Code, and to ~~add and repeal~~
~~Section 2429.7~~ *amend Section 2810* of the Vehicle Code, relating to ~~marijuana~~
~~cultivation~~ *irrigation*.**

LEGISLATIVE COUNSEL'S DIGEST

AB 2284, as amended, Chesbro. ~~Marijuana cultivation.~~ *Irrigation.*

Existing law establishes fines and penalties for a violation of the Fish and Game Code.

This bill would impose ~~an additional civil penalty~~ *additional civil penalties* for a violation of specified provisions of the Fish and Game Code connected to marijuana cultivation on a unit of the state park system, state forest, and timberland, as defined, at an amount determined by the Fish and Game Commission ~~sufficient to cover the costs associated with cleaning up the marijuana site,~~ *as prescribed*.

Existing law ~~requires the Department of the California Highway Patrol to enforce the requirements of the Government Code~~ *authorizes a member of the California Highway Patrol to stop any vehicle transporting any timber products, livestock, poultry, farm products, crude oil, petroleum products, or inedible kitchen grease, and inspect the bills of lading, shipping, or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which any of those items are apprehended.*

This bill would ~~until January 1, 2023, require the department to establish a pilot program authorizing a peace officer of the department or a county sheriff's office to stop a vehicle transporting agricultural irrigation supplies into a unit of the state park system, state forest, national forest, or timberland, and make specified inquiries~~ *additionally authorize a member of the California Highway Patrol or the sheriff or a deputy sheriff to stop a vehicle transporting agricultural irrigation supplies, as defined, that are in plain view within the boundaries of a state park, state forest, or federal forest, or on timberland, and inspect the bills of lading, shipping, or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and, upon*

reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which any of those items are apprehended. Because the sheriff would be required to receive and provide for the care and safekeeping of the seized agricultural irrigation supplies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) As a result of the closure and lack of staffing at numerous state parks, those parks and other resource lands have become infested with illegal marijuana cultivation.

(b) The illegal marijuana growing sites create a hazard for those who recreate on these public resource lands. Some of the most recent events that showed the relative danger were the murder of Matthew Coleman and Fort Bragg City Council Member Jere Melo who surveyed the forest for illegal marijuana growth in connection with local law enforcement and were killed in the course of their jobs.

(c) The marijuana growsites often are constructed without regard for the environment or wildlife.

(d) Because the illegal marijuana cultivation operations are set up deep in resource land, all the equipment is brought in and constructed without consideration for the environmental effects.

(e) Many illegal marijuana growsites include water diversion with irrigation pipes, generators, and batteries to power the cultivation equipment and camp, illegal damming and water diversion, and pesticides and insecticides that are sometimes added directly to streams and ponds.

SEC. 2. Section 12025 is added to the Fish and Game Code, to read:

12025. (a) In addition to any penalties imposed by any other law, a person found to have violated Section ~~1600~~ *1602*, 5650, *or* 5652, ~~or 5937~~ in connection with marijuana cultivation on a unit of the state park system, *or* state forest, *or on* timberland shall be liable for a civil penalty in ~~an amount determined by the commission that is necessary to cover the costs associated with cleaning up the marijuana site.~~ *the following amounts:*

(1) A person who violates Section 1602 in connection with the cultivation of marijuana is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each violation.

(2) A person who violates Section 5650 in connection with the cultivation of marijuana is subject to a civil penalty of not more than forty thousand dollars (\$40,000) for each violation.

(3) A person who violates Section 5652 in connection with the cultivation of marijuana is subject to a civil penalty of not more than forty thousand dollars (\$40,000) for each violation.

(b) The civil penalty imposed for each separate violation pursuant to this section is in addition to any other civil penalty imposed for another violation of this section, or any violation of any other law.

(c) All civil penalties collected for a separate violation pursuant to this section shall not be considered to be fines or forfeitures, as described in Section 13003, and shall be apportioned in the following manner:

(1) Thirty percent shall be distributed to the county in which the violation was committed pursuant to Section 13003. The county board of supervisors shall first use any revenues from those penalties to reimburse the costs incurred by the district attorney or city attorney in investigating and prosecuting the violation.

(2) Thirty percent shall be distributed to the lead investigating agency to be used to reimburse the cost of any investigation directly related to the violations described in this section.

(3) Forty percent shall be distributed to the primary investigating agency for the reimbursement for all reasonable costs associated with the clean up or abatement of the marijuana cultivation site.

~~(b)~~

(d) For the purposes of this section, "timberland" has the same meaning as that set forth in Section 51104 of the Government Code.

~~SEC. 3. Section 2429.7 is added to the Vehicle Code, to read: 2429.7:~~

~~(a) The department shall establish a pilot program authorizing a peace officer of the department or a county sheriff's office to stop a vehicle transporting agricultural irrigation supplies into a unit of the state park system, state forest, national forest, or timberland, upon reasonable belief that those supplies will be used to cultivate marijuana on those lands, and ask the driver of the vehicle about the purpose and destination of the agricultural irrigation supplies.~~

~~(b) A county may participate in the pilot program by adopting a resolution opting into the pilot program.~~

~~(c) The number of counties that may participate in the pilot program shall not exceed six.~~

~~(d) For the purposes of this section, the following terms have the following meanings:~~

~~(1) "Agricultural irrigation supplies" includes agricultural irrigation water bladder and drip irrigation tubing.~~

~~(2) "Timberland" has the same meaning as that set forth in Section 51104 of the Government Code.~~

~~(e) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date.~~

SEC. 3. *Section 2810 of the Vehicle Code is amended to read:*

2810. (a) *(1) A member of the California Highway Patrol may stop ~~any~~ a vehicle transporting any timber products, livestock, poultry, farm produce, crude oil, petroleum products, or inedible kitchen grease, ~~or any vehicle transporting agricultural irrigation supplies that are in plain view within the boundaries of a state park, state forest, or federal forest, or on timberland,~~ and inspect the bills of lading, shipping or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, shall take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which the timber products, livestock, poultry, farm produce, crude oil, petroleum products, ~~or~~ inedible kitchen grease, ~~or any part thereof, is~~ *or agricultural irrigation supplies**

are apprehended.

(2) The sheriff or a deputy sheriff may enforce paragraph (1) with regard to a vehicle transporting agricultural irrigation supplies that are in plain view within the boundaries of a state park, state forest, or federal forest, or on timberland.

(b) The sheriff shall receive and provide for the care and safekeeping of the apprehended timber products, livestock, poultry, farm produce, crude oil, petroleum products, ~~or~~ inedible kitchen grease, *or agricultural irrigation supplies that were in plain view within the boundaries of a state park, state forest, or federal forest, or on timberland, ~~or any part thereof~~, and immediately, in cooperation with the department, proceed with an investigation and its legal disposition.*

(c) Any expense incurred by the sheriff in the performance of his or her duties under this section shall be a legal charge against the county.

(d) For the purposes of this section, the following terms mean the following:

(1) "Agricultural irrigation supplies" include agricultural irrigation water bladder, drip irrigation tubing, and fertilizer.

(2) "Timberland" has the same meaning as set forth in Section 51104 of the Government Code.

SEC. 4. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*