

RESOLUTION NUMBER R-255827

Adopted on FEB 16 1982

WHEREAS, the Rules Committee, on November 30, 1981, December 21, 1981 and January 11, 1982 reviewed recommendations by the Intergovernmental Relation Department regarding proposed legislation; and

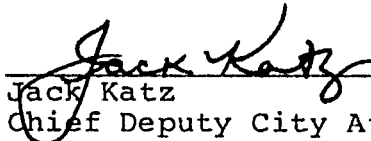
WHEREAS, the Rules Committee, after extensive review and discussion, has recommended adoption of the legislation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that the following bills, summaries of which are attached hereto as Attachment "A", be added to the City of San Diego's Legislative Program:

SB 105 (Ayala) and seek amendment to include burglary  
HR 4020

APPROVED: John W. Witt, City Attorney

By

  
Jack Katz  
Chief Deputy City Attorney

JK:smm  
2/3/82  
REVISED 2/22/82  
Or.Dept:Rules  
Form=r.none

City of San Diego

1982 Sponsorship Program - State

Felonies and Juvenile's Age

- Proposal: Grants district attorneys full authority to file on all felonies where the criminal offender is 16 or older, and on all burglary, violent crimes and second-time felonies, regardless of the defendant's age.
- Source: Crime Control Commission: Priority 1.
- Present Law: The probation department receives all juvenile offender referrals from law enforcement and other agencies, and as "middleman" decides whether or not to request that the District Attorney's office formally charge the juvenile by filing a petition in juvenile court. The prosecutor can overrule the probation department's decision not to request a petition only if police appeal the case.
- Discussion: The California law that in 1977 brought a prosecuting attorney into Juvenile Court (Dixon Bill) created a confusing overlap of power between the probation department and the prosecutor. The current procedure is not only a paperwork tangle, but is inappropriate for dealing with serious juvenile crimes. The probation department's decisions are usually based on the old individualized treatment and rehabilitation philosophy of juvenile justice, which has proven ineffective in the fight against juvenile crime. In addition, this philosophy contradicts the Crime Control Commission's call for consistent and uniform treatment of juvenile offenders.
- Senator Ayala has introduced legislation (SB 105) that differs from the Commission's proposal in only one respect. In SB 105, burglary is not included in the list of crimes on which the district attorney would have authority to file for juveniles under 16. The Commission, however, has indicated that SB 105 is acceptable as currently worded. SB 105 has passed the Senate and is being scheduled for an Assembly Committee on Criminal Justice hearing in early 1982.
- Fiscal Impact: Preliminary indications from the district attorney are that any additional costs would probably be offset by savings resulting from the simplification of the current process.
- Recommendation: Place SB 105 on the State Legislative Program for 1982 and support. This bill, while not identical, is very similar in intent to the proposal made by the Commission.
- If SB 105 is not eventually chaptered into law, it is suggested that the Rules Committee reconsider sponsorship at that time.

RULES 12/21/81

VOTE: 3-0. Districts 1 and 4 not present (1, 2, 4, 8 and PW)

Committee voted to support the recommendation of the IRD to support SB 105 (AYALA) and to seek an amendment to include burglary.

00820

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ATTACHMENT "A"

City of San Diego

1982 Sponsorship Program - State

Tax Credits for Security Improvements

- Proposal: Provides tax credits to owners who make security improvements to their homes.
- Source: Crime Control Commission: Priority 3
- Present Law: Existing Personal Income Tax Law and Bank and Corporation Tax Law authorizes credits against taxes. The most recent additions to this area of the law are for energy conservation efforts.
- Discussion: The Commission has found that efforts by the public to secure their own homes against intruders are vital in the prevention of both violent and property crimes. Incentives in the form of a tax credit is an excellent way to motivate people to protect themselves.

Realizing this, the City was instrumental in having SB 729 (Ellis) introduced. This bill authorized a credit equal to 55% of the cost, not to exceed \$3,000 for the installation of a security system in a taxpayer's home. The bill was killed by the Senate Revenue and Taxation Committee last year. However, AB 2278 (Sebastiani) is still pending in the Assembly Revenue and Taxation Committee. This bill allows a taxpayer to deduct the cost of installing a burglar alarm in any building owned by the taxpayer.

Additionally, H.R. 4020 is pending in Washington, D. C. to allow a taxpayer a credit of 15% off the purchase price of a fire, smoke, or burglar alarms and locks for doors and windows.

- Fiscal Impact: None directly to the City
- Recommendation: That the City support H.R. 4020 rather than sponsoring additional legislation in this area.

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00821

Passed and adopted by the Council of The City of San Diego on FEB 16 1982  
by the following vote:

| Councilmen        | Yeas                                | Nays                     | Not Present                         | Ineligible               |
|-------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Bill Mitchell     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Bill Cleator      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Susan Golding     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Leon L. Williams  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksmā      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mike Gotch        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Dick Murphy       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Lucy Killea       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mayor Pete Wilson | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

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