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California Taxpayer Protection Act of 2012

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September 17, 2011

California Attorney General Kamala Harris
 Attn: Krystal Paris, Initiative Coordinator
 1300 I Street, 17th Floor, Post Office Box 944255
 Sacramento, California 94244-2550

RECEIVED
 OCT 17 2011

INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Taxpayer Protection Act of 2012. This text of the initiative is attached.

Proponent: Tirso Del Junco

I, Tirso Del Junco, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Los Angeles County, California.

Public contact address: 761 Terminal St # 9002

Tirso del Junco (Signature of Proponent)

I, Tirso Del Junco, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Tirso del Junco (Signature of Proponent)

Dated this 17th day of September 2011

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Taxpayer Protection Act of 2012. This text of the initiative is attached.

Proponent: Ted Hilton

I, Ted Hilton, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of San Diego County, California.

Public contact address: POB 9985 San Diego, CA 92169

Ted Hilton (Signature of Proponent)

I, Ted Hilton, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Ted Hilton (Signature of Proponent)

Dated this 17th day of September 2011

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Taxpayer Protection Act of 2012. This text of the initiative is attached.

Proponent: Bill Siler

I, Bill Siler, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Contra Costa County.

Public contact address: _____

_____ (Signature of Proponent)

I, Bill Siler, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

_____ (Signature of Proponent)

Dated this ____ day of _____ 2011

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I, Ted Hilton, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Ted Hilton (Signature of Proponent)
Dated this 17th day of September 2011

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Taxpayer Protection Act of 2012. This text of the initiative is attached.

Proponent: Bill Siler

I, Bill Siler, declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Contra Costa County.

Public contact address: 401 VAN NESS AVE, RM 117, SAN FRANCISCO, CA 94102

[Signature] (Signature of Proponent)

I, Bill Siler, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

[Signature] (Signature of Proponent)

Dated this 19 day of SEPT 2011

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

SEC. 1. This measure shall be known, and may be cited as the California Taxpayer Protection Act of 2012.

SEC. 2. Section 66021.8 is added to the Education Code, to read:

66021.8. Notwithstanding any other law, no person without lawful immigration status shall be eligible for any state-funded grant, scholarship, fee waiver, reimbursement, or student financial aid program for educational expenses.

SEC. 3. Chapter 3.5 (commencing with Section 653.65) is added to Title 15 of Part 1 of the Penal Code, to read:

**CHAPTER 3.5 COOPERATIVE ENFORCEMENT OF FEDERAL
IMMIGRATION LAW**

653.65. (a) Upon notification that an arrested person is unlawfully present in the United States, the arresting agency shall immediately verify with the United States Department of Homeland Security whether an immigration detainer is to be issued for that person.

(b) Any state or local law enforcement agency having custody of an alien for whom a request for a detainer has been received from federal immigration authorities may not release the alien, unless otherwise directed by a court of competent jurisdiction, but shall transfer the alien into federal custody.

(c) (1) Commencing with the state budget for the 2013-2014 fiscal year, the Legislature shall annually appropriate thirty-five million dollars (\$35,000,000) from the General Fund to the Division of Law Enforcement in the Department of Justice for the purpose of funding investigations and intelligence to combat transnational gangs and all related crimes involving, but not limited to, unauthorized aliens involved with terrorism, homicide, kidnapping, and human, drug, and sex trafficking. The Attorney General shall maintain the Bureau of Narcotic Enforcement and the Bureau of Investigations and Intelligence for the period of authorized funding. The annual funding shall remain in effect for 20 years.

(2) This subdivision shall be repealed on January 1, 2033, unless an earlier enacted statute extends or repeals that date.

SEC. 4. Section 11057 is added to the Penal Code, to read:

11057. (a) The Department of Justice is authorized and directed to negotiate the terms of a memorandum of agreement (MOA), pursuant to Section 287 (g) of the federal Immigration and Nationality Act of 1965, as amended, between the State of California and the United States Department of Justice or United States Department of Homeland Security, providing for designated law enforcement officers to perform certain functions of federal immigration officers within the State of California.

(b) The MOA negotiated pursuant to subdivision (a) shall be signed on behalf of the state by the Attorney General.

(c) (1) No later than 90 days from the date that the MOA is signed by all parties, the Department of Justice shall determine the 20 counties in the state with the highest impact of crimes committed by alien transnational gangs.

(2) The sheriff from each of the 20 counties identified by the Department of Justice pursuant to paragraph (1) shall designate at least one peace officer to be trained pursuant to the MOA.

(3) Any state or local law enforcement agency may designate one or more peace officers to be trained pursuant to the MOA.

(d) Training under the MOA shall be provided to the peace officers designated pursuant to subdivision (c) subject to the availability of funds appropriated for this purpose.

(e) The Attorney General shall make requests for funds from the appropriate federal agencies to advance training of additional officers, pursuant to Section 287 (g) of the federal Immigration and Nationality Act of 1965, as amended, to be stationed at all booking, jail and correctional facilities, and to combat transnational gangs and other unauthorized aliens.

SEC. 5. Section 11059 is added to the Penal Code, to read:

11059. (a) Notwithstanding any other provision of law, no official or agency of this state or political subdivision herein may prohibit or in any way restrict any peace officer from inquiring into the citizenship or immigration status of a person and from verifying that status, or exchanging information with any law

enforcement agency, or for any lawful purpose authorized by Sections 1373 and 1644 of Title 8 of the United States Code.

SEC. 6. Section 12801.5 of the Vehicle Code is amended to read:

12801.5. (a) Notwithstanding any provision of law, the department shall require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) (1) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(2) The department shall not accept a driver's license or identification card from any other state as proof of lawful status if the other state does not verify lawful presence in the United States.

(3) For any application that does not have a verified social security number, the department shall verify the applicant's documents with the issuing federal agency that establishes the applicant's authorized presence in the United States.

(c) The department shall adopt regulations to carry out the purposes of this section, including procedures for, but not limited to, (1) verifying that the applicant's presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) appeal hearings from a denial of a license, temporary license, or identification card, and (4) issuance of a duplicate or renewal driver's license or identification card pursuant to Public Law 109-13.

(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(e) Notwithstanding Section 40300 or any other provision of law, a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person

driving is under the age of 16 years.

(f) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

SEC. 7. Section 12801.9 is added to the Vehicle Code to read:

12801.9. If an applicant has been temporarily admitted to the United States on a nonimmigrant visa, the department shall not issue a driver's license or identification card to the applicant for a period that extends beyond the expiration date of the applicant's authorized presence in the United States. The department shall record the number, expiration date, and country of origin from each passport and nonimmigrant visa, and the expiration date from an I-94 or other federal document authorizing the applicant's presence in the United States.

SEC. 8. Section 14007.703 is added to the Welfare and Institutions Code, to read:

14007.703. (a) Each application for restricted scope Medi-Cal services for birth delivery or other related medical services shall include the fingerprints of the applicant. The applicant shall pay a fee not to exceed the reasonable costs, as determined by the Department of Justice, of processing the fingerprints and a report identifying the applicant. The fingerprints and the report shall be provided to the department. The report shall include, but not be limited to, the name, address, country of origin, total cost of birth delivery, and all medical expenses related to that birth.

(b) The report of each applicant shall be provided to the United States Department of Homeland Security, or its successor.

(c) Notwithstanding any other law, the report and fingerprints shall be provided to any local, state, or federal governmental agency upon request of that agency.

SEC. 9. (a) The provisions of this act are severable. If any provision of this act or its application is held invalid, the invalid provision shall not affect other provisions or applications that can be given effect without the invalid provision or

application.

(b) The terms of this act regarding immigration shall have the meanings applied under federal immigration law.

(c) The provisions of this act shall be implemented in a manner consistent with federal laws regulating immigration and protecting the civil rights of all persons.