

AMENDED IN SENATE JANUARY 23, 2012

AMENDED IN SENATE SEPTEMBER 8, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 391**

---

---

**Introduced by Assembly Member Pan**

(Principal coauthor: ~~Senator Steinberg~~)

(Coauthors: *Senators Berryhill, Cannella, Strickland, Walters, and Yee*)

February 14, 2011

---

---

~~An act to add Section 399.32 to the Public Utilities Code, relating to energy. An act to amend Sections 21628, 21641, and 21642 of, and to add Section 21642.5 to, the Business and Professions Code, and to amend Sections 21300 and 21301 of, and to repeal and add Section 21208 of, the Financial Code, relating to personal property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as amended, Pan. ~~Energy: renewable energy resources: local publicly owned electric utility. Secondhand dealers and pawnbrokers: electronic reporting.~~

*Existing law generally requires secondhand dealers and coin dealers, as defined, to report specified transactions to the local law enforcement agency where their businesses are located. Under existing law, secondhand dealers and coin dealers are required to report this information using an electronic reporting system 12 months after the Department of Justice develops that system.*

*This bill would instead require that secondhand dealers and coin dealers report this information using the electronic reporting system on and after the date that the system is implemented.*

*Existing law requires a local law enforcement agency to issue a license to engage in the business of a secondhand dealer or pawnbroker to an applicant who meets designated criteria. Existing law authorizes the local licensing authority and the Department of Justice to charge an initial licensure fee and a renewal fee, as specified.*

*This bill would eliminate the authority of the local licensing authority to charge an initial licensure fee and would authorize the Department of Justice to charge a licensure fee and a renewal fee of no more than \$300, as specified. The bill would require that the fees assessed by the department, except as specified, be deposited in the Secondhand Dealer and Pawnbroker Fund, which the bill would create in the State Treasury. The bill would continuously appropriate the money in the fund to the department for the purpose of paying for specified regulatory costs, including the cost of implementing, operating, and maintaining the electronic reporting system. Because the bill would continuously appropriate specified fee revenue to the department, the bill would make an appropriation. The bill would make other related conforming changes.*

*The bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law creates the California renewables portfolio standard program (RPS program) and the Renewable Energy Resources Program to increase the amount of electricity generated per year from eligible renewable energy resources, as defined.~~

~~Existing law, effective on \_\_\_\_\_, requires the governing board of a local publicly owned electric utility, as defined, to adopt a program for the enforcement of the RPS program on or before January 1, 2012. The governing board of a local publicly owned electric utility is authorized to adopt rules permitting the utility to apply excess procurement in one compliance period to subsequent compliance periods in the same manner as allowed for retail sellers, as defined.~~

~~This bill would, instead, authorize rules permitting the local utility to apply excess procurement in one compliance period to subsequent compliance periods in the same manner as allowed for retail sellers, with certain specified exceptions.~~

~~Vote: majority  $\frac{2}{3}$ . Appropriation: no-yes. Fiscal committee: no-yes. State-mandated local program: no.~~

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

1     *SECTION 1. It is the intent of the Legislature to enact*  
2 *legislation that fully funds the cost of developing and implementing*  
3 *a statewide, uniform electronic reporting system for reporting the*  
4 *acquisition of secondhand, tangible personal property through*  
5 *the imposition of a fee upon the application for and renewal of a*  
6 *license to act as a secondhand dealer or pawnbroker.*

7     *It is further the intent of the Legislature to relieve all secondhand*  
8 *dealers, coin dealers, and pawnbrokers of the inherent costs and*  
9 *burdens imposed under existing law that requires these businesses*  
10 *to report their daily acquisitions of tangible personal property on*  
11 *paper forms limited to a single transaction. The Legislature finds*  
12 *that the costs associated with printing, manually completing, and*  
13 *mailing or delivering hundreds to thousands of paper reports is*  
14 *an unnecessary and expensive burden on these businesses and*  
15 *represents an unnecessary risk of loss of consumer financial*  
16 *information, and that the cost of electronically collecting multiple*  
17 *transactions on a daily basis through the uniform electronic*  
18 *reporting system is significantly more cost effective and a benefit*  
19 *to these businesses.*

20     *SEC. 2. Section 21628 of the Business and Professions Code*  
21 *is amended to read:*

22     21628. Every secondhand dealer or coin dealer described in  
23 Section 21626 shall report daily, or on the first working day after  
24 receipt or purchase of the property, on forms either approved or  
25 provided at actual cost by the Department of Justice, all tangible  
26 personal property, except for firearms, which he or she has  
27 purchased, taken in trade, taken in pawn, accepted for sale on  
28 consignment, or accepted for auctioning, to the chief of police or  
29 to the sheriff, in accordance with the provisions of Sections 21630  
30 and 21633 and subdivision (j) of this section. The report shall be  
31 legible, prepared in English, completed where applicable, and  
32 include, but not be limited to, the following information:

33     (a) The name and current address of the intended seller or  
34 pledger of the property.

35     (b) The identification of the intended seller or pledger. The  
36 identification of the seller or pledger of the property shall be  
37 verified by the person taking the information. The verification  
38 shall be valid if the person taking the information reasonably relies

1 on any one of the following documents, provided that the document  
2 is currently valid or has been issued within five years and contains  
3 a photograph or description, or both, of the person named on it,  
4 and, where applicable, is signed by the person, and bears a serial  
5 or other identifying number:

- 6 (1) A passport of the United States.
- 7 (2) A driver’s license issued by any state, or Canada.
- 8 (3) An identification card issued by any state.
- 9 (4) An identification card issued by the United States.
- 10 (5) A passport from any other country in addition to another  
11 item of identification bearing an address.
- 12 (6) A Matricula Consular in addition to another item of  
13 identification bearing an address.

14 (c) A complete and reasonably accurate description of serialized  
15 property, including, but not limited to, the following: serial number  
16 and other identifying marks or symbols, owner-applied numbers,  
17 manufacturer’s named brand, and model name or number. Watches  
18 need not be disassembled when special skill or special tools are  
19 required to obtain the required information, unless specifically  
20 requested to do so by a peace officer. A special tool does not  
21 include a penknife, caseknife, or similar instrument and  
22 disassembling a watch with a penknife, caseknife, or similar  
23 instrument does not constitute a special skill. In all instances where  
24 the required information may be obtained by removal of a  
25 watchband, then the watchband shall be removed. The cost  
26 associated with opening the watch shall be borne by the  
27 pawnbroker, secondhand dealer, or customer.

28 (d) A complete and reasonably accurate description of  
29 nonserialized property, including, but not limited to, the following:  
30 size, color, material, manufacturer’s pattern name (when known),  
31 owner-applied numbers and personalized inscriptions, and other  
32 identifying marks or symbols. Watches need not be disassembled  
33 when special skill or special tools are required to obtain the  
34 required information, unless specifically requested to do so by a  
35 peace officer. A special tool does not include a penknife, caseknife,  
36 or similar instrument and disassembling a watch with a penknife,  
37 caseknife, or similar instrument does not constitute a special skill.  
38 In all instances where the required information may be obtained  
39 by removal of a watchband, then the watchband shall be removed.

1 The cost associated with opening the watch shall be borne by the  
2 pawnbroker, secondhand dealer, or customer.

3 (e) A certification by the intended seller or pledger that he or  
4 she is the owner of the property or has the authority of the owner  
5 to sell or pledge the property.

6 (f) A certification by the intended seller or pledger that to his  
7 or her knowledge and belief the information is true and complete.

8 (g) A legible fingerprint taken from the intended seller or  
9 pledger, as prescribed by the Department of Justice. This  
10 requirement does not apply to a coin dealer, unless required  
11 pursuant to local regulation.

12 (h) When a secondhand dealer complies with all of the  
13 provisions of this section, he or she shall be deemed to have  
14 received from the seller or pledger adequate evidence of authority  
15 to sell or pledge the property for all purposes included in this  
16 article, and Division 8 (commencing with Section 21000) of the  
17 Financial Code.

18 In enacting this subdivision, it is the intent of the Legislature  
19 that its provisions shall not adversely affect the implementation  
20 of, or prosecution under, any provision of the Penal Code.

21 (i) Any person who conducts business as a secondhand dealer  
22 at any gun show or event, as defined in Section 478.100 of Title  
23 27 of the Code of Federal Regulations, or its successor, outside  
24 the jurisdiction that issued the secondhand dealer license in  
25 accordance with subdivision (d) of Section 21641, may be required  
26 to submit a duplicate of the transaction report prepared pursuant  
27 to this section to the local law enforcement agency where the gun  
28 show or event is conducted.

29 (j) (1) The Department of Justice shall, in consultation with  
30 appropriate local law enforcement agencies, develop clear and  
31 comprehensive descriptive categories denoting tangible personal  
32 property subject to the reporting requirements of this section. These  
33 categories shall be incorporated by secondhand dealers and coin  
34 dealers described in Section 21626 for purposes of the reporting  
35 requirements set forth herein. Any required report shall be  
36 transmitted by electronic means. ~~The~~ *Upon the availability of*  
37 *sufficient funds in the Secondhand Dealer and Pawnbroker Fund*  
38 *created pursuant to Section 21642.5, the* Department of Justice  
39 ~~and local law enforcement agencies,~~ in consultation with  
40 representatives from the secondhand dealer and coin dealer

1 businesses, shall *promptly* develop a ~~standard format~~ *statewide,*  
2 *uniform electronic reporting system* to be used ~~statewide~~ to transmit  
3 this report electronically.

4 (2) ~~Twelve months after the format and the categories described~~  
5 ~~in paragraph (1) have been developed~~ *On and after the date that*  
6 *the Department of Justice implements the statewide, uniform*  
7 *electronic reporting system described in paragraph (1),* each  
8 secondhand dealer and coin dealer shall electronically report using  
9 ~~this format system~~ the information required by this section under  
10 ~~these~~ *the* reporting categories *described in paragraph (1).* Until  
11 that time, each secondhand dealer and coin dealer may ~~either~~  
12 continue to report this information using existing forms and  
13 procedures ~~or may begin electronically reporting this information~~  
14 ~~under the reporting categories and using the format described in~~  
15 ~~paragraph (1) as soon as each has been developed.~~

16 (3) A coin dealer who engages in less than 10 transactions each  
17 week in which he or she has purchased, taken in trade, taken in  
18 pawn, accepted for sale or consignment, or accepted for auctioning  
19 tangible personal property, shall report the information required  
20 by this section under the reporting categories described in  
21 paragraph (1) on a form developed by the Attorney General that  
22 the coin dealer shall transmit each day by facsimile transmission  
23 or by mail to the chief of police or sheriff. A transaction shall  
24 consist of not more than one item. Nothing in this section shall  
25 prohibit up to 10 transactions with the same customer per week,  
26 provided that the cumulative total per week for all customers does  
27 not exceed 10 transactions. Until that form is developed, these  
28 coin dealers shall continue to report information required by this  
29 section using existing forms and procedures. If these transactions  
30 increase to 10 per week, the coin dealer shall electronically report  
31 using ~~the format~~ *statewide, uniform electronic reporting system*  
32 described in paragraph (1) the information required by this section  
33 beginning six months after his or her transactions exceed 10 per  
34 week or 12 months after the ~~format system~~ described in paragraph  
35 (1) has been ~~developed~~ *implemented,* whichever occurs later.

36 (4) For purposes of this subdivision, “item” shall mean any  
37 single physical article. However, with respect to a commonly  
38 accepted grouping of articles that are purchased as a set, including,  
39 but not limited to, a pair of earrings or place settings of china,

1 silverware, or other tableware, “item” shall mean that commonly  
2 accepted grouping.

3 (5) Nothing in this subdivision shall be construed as excepting  
4 a secondhand dealer from the fingerprinting requirement of  
5 subdivision (g).

6 (k) Nothing in this section shall be construed to exempt a person  
7 licensed as a firearms dealer pursuant to Sections 26700 to 26915,  
8 inclusive, of the Penal Code from the reporting requirements for  
9 the delivery of firearms pursuant to Sections 26700 to 26915,  
10 inclusive, of the Penal Code.

11 (l) This section shall become operative on July 1, 2010.

12 *SEC. 3. Section 21641 of the Business and Professions Code*  
13 *is amended to read:*

14 21641. (a) The chief of police, the sheriff or, where  
15 appropriate, the police commission, shall accept an application for  
16 and grant a license permitting the licensee to engage in the business  
17 of secondhand dealer, as defined in Section 21626, to an applicant  
18 who has not been convicted of an attempt to receive stolen property  
19 or any other offense involving stolen property. Prior to the granting  
20 of a license, the licensing authority shall submit the application to  
21 the Department of Justice. If the Department of Justice does not  
22 comment on the application within 30 days thereafter, the licensing  
23 authority may grant the applicant a license. All forms for  
24 application and licensure, and license renewal, shall be prescribed  
25 and provided by the Department of Justice. A fee may be charged  
26 to the applicant as specified by the Department of Justice and the  
27 local licensing authority for processing the initial license  
28 application as specified in Section 21642.5.

29 (b) For the purposes of this section, “convicted” means a plea  
30 or verdict of guilty or a conviction following a plea of nolo  
31 contendere.

32 (c) Notwithstanding subdivisions (a) and (b), no person shall  
33 be denied a secondhand dealer’s license solely on the grounds that  
34 he or she violated any provision contained in ~~Article 4~~  
35 ~~(commencing with Section 21625) this article~~ or Article 5  
36 ~~(commencing with Section 21650) of this chapter~~, or any provision  
37 contained in Chapter 2 (commencing with Section 21200) of  
38 Division 8 of the Financial Code, unless the violation demonstrates  
39 a pattern of conduct.

1 (d) Any person licensed as a firearms dealer pursuant to Sections  
 2 26700 to 26915, inclusive, of the Penal Code, who is conducting  
 3 business at gun shows or events pursuant to subdivision (b) of  
 4 Section 26805 of the Penal Code, and who has a valid secondhand  
 5 dealer license granted by the appropriate local authorities in the  
 6 jurisdiction where the firearms dealer license has been granted,  
 7 shall be authorized to conduct business as a secondhand dealer at  
 8 any gun show or event, as defined in Section 478.100 of Title 27  
 9 of the Code of Federal Regulations, or its successor, without regard  
 10 to the jurisdiction within this state that issued the secondhand  
 11 dealer license pursuant to subdivision (a) of this section. No  
 12 additional fees or separate secondhand dealer license shall be  
 13 required by any agency having jurisdiction over the locality where  
 14 the gun show or event is conducted. However, the person shall  
 15 otherwise be subject to, and comply with, the requirements of this  
 16 article when he or she acts as a secondhand dealer at the gun show  
 17 or event to the same extent as if he or she were licensed as a  
 18 secondhand dealer in the jurisdiction in which the gun show or  
 19 event is being conducted.

20 *SEC. 4. Section 21642 of the Business and Professions Code*  
 21 *is amended to read:*

22 21642. (a) A license granted pursuant to Section 21641 shall  
 23 be renewable the second year from the date of issue, and every  
 24 other year thereafter, upon the filing of a renewal application and  
 25 the payment of a license renewal fee specified by the licensing  
 26 authority. The Department of Justice may also charge a fee of not  
 27 more than twelve dollars (\$12) but not to exceed the actual  
 28 processing costs of the department. After the department establishes  
 29 a fee sufficient to reimburse the department for processing costs,  
 30 the fee charged shall increase at a rate not to exceed the  
 31 legislatively approved annual cost-of-living adjustments for the  
 32 department's budget. The licensing authority shall collect the fee  
 33 and transmit the fee and a copy of the renewed license to the  
 34 Department of Justice, *as specified in Section 21642.5.*

35 (b) The license shall be subject to forfeiture by the licensing  
 36 authority and the licensee's activities as a secondhand dealer shall  
 37 be subject to being enjoined pursuant to Section 21646 for breach  
 38 of any of the following conditions:

39 (1) The business shall be carried on only at the location  
 40 designated on the license. The license shall designate all locations

1 where property belonging to the business is stored. Property of the  
2 business may be stored at locations not designated on the license  
3 only with the written consent of the local licensing authority.

4 (2) The license or a copy thereof, certified by the licensing  
5 authority, shall be displayed on the premises in plain view of the  
6 public.

7 (3) The licensee shall not engage in any act which the licensee  
8 knows to be in violation of this article.

9 (4) The licensee shall not be convicted of an attempt to receive  
10 stolen property or any other offense involving stolen property. For  
11 the purposes of this paragraph, “convicted” means a plea or verdict  
12 of guilty or a conviction following a plea of nolo contendere. Any  
13 action which the chief of police, the sheriff or, where appropriate,  
14 the police commission, is permitted to take following the  
15 establishment of a conviction may be taken when the time for  
16 appeal has elapsed, or the judgment of conviction has been affirmed  
17 on appeal, or when an order granting probation is made suspending  
18 the imposition of sentence, irrespective of a subsequent order under  
19 the provisions of Section 1203.4 of the Penal Code.

20 (c) Notwithstanding subdivisions (a) and (b), no person shall  
21 have his or her renewal application for a secondhand dealer’s  
22 license denied, nor shall his or her secondhand dealer’s license be  
23 forfeited solely on the grounds that he or she violated any provision  
24 contained in ~~Article 4 (commencing with Section 21625)~~ *this*  
25 *article* or Article 5 (commencing with Section 21650) ~~of this~~  
26 ~~chapter~~, or any provision contained in Chapter 2 (commencing  
27 with Section 21200) of Division 8 of the Financial Code, unless  
28 the violation demonstrates a pattern of conduct.

29 *SEC. 5. Section 21642.5 is added to the Business and*  
30 *Professions Code, to read:*

31 *21642.5. (a) The Department of Justice may require each*  
32 *applicant for an initial license under Section 21641 of this code*  
33 *or Section 21300 of the Financial Code and each applicant for*  
34 *renewal of a license under Section 21642 of this code or Section*  
35 *21301 of the Financial Code to pay a fee not to exceed three*  
36 *hundred dollars (\$300), except that the fee may be increased at a*  
37 *rate not to exceed any increase in the California Consumer Price*  
38 *Index as compiled and reported by the Department of Industrial*  
39 *Relations.*

1 (b) The fees assessed pursuant to subdivision (a) shall be no  
2 more than necessary to cover the reasonable regulatory costs to  
3 the department of doing all of the following:

4 (1) Processing initial license applications under Section 21641  
5 of this code and Section 21300 of the Financial Code.

6 (2) Processing renewal applications under Section 21642 of  
7 this code and Section 21301 of the Financial Code.

8 (3) Implementing, operating, and maintaining the electronic  
9 reporting system described in subdivision (j) of Section 21628.

10 (4) Processing the applicant’s fingerprints for purposes of  
11 conducting a background check.

12 (c) The portion of any fee assessed pursuant subdivision (a)  
13 that is attributable to processing the applicant’s fingerprints shall  
14 be deposited in the account described in subdivision (e) of Section  
15 11105 of the Penal Code. The remainder of the fee shall be  
16 deposited in the Secondhand Dealer and Pawnbroker Fund, which  
17 is hereby established in the State Treasury. Notwithstanding  
18 Section 13340 of the Government Code, the revenue in the  
19 Secondhand Dealer and Pawnbroker Fund is continuously  
20 appropriated to the Department of Justice for the purpose of paying  
21 for the costs described in paragraphs (1) to (3), inclusive, of  
22 subdivision (b).

23 SEC. 6. Section 21208 of the Financial Code is repealed.

24 ~~21208. Every pawnbroker shall report daily or on the first~~  
25 ~~working day after receipt or purchase, all descriptions of all~~  
26 ~~property received in pledge or purchased as tangible personal~~  
27 ~~property, as defined in Section 21627 of the Business and~~  
28 ~~Professions Code, in whatever quantity received, including property~~  
29 ~~purchased as tangible personal property at wholesale, tangible~~  
30 ~~personal property taken in for sale or possessed on consignment~~  
31 ~~for sale, and tangible personal property taken in trade.~~

32 ~~If the transaction took place within the territorial limits of an~~  
33 ~~incorporated city, the report shall be submitted to the police chief~~  
34 ~~executive of the city or his or her designee, by mail unless~~  
35 ~~otherwise agreed upon by the pawnbroker and the police chief~~  
36 ~~executive or his or her designee. If the transaction took place~~  
37 ~~outside the territorial limits of an incorporated city, the report shall~~  
38 ~~be submitted to the sheriff of the county or his or her designee, by~~  
39 ~~mail unless otherwise agreed upon by the pawnbroker and the~~  
40 ~~sheriff or his or her designee.~~

1 All reports shall be on forms approved or provided at actual cost  
2 by the Department of Justice. The police chief executive or sheriff  
3 who receives a report on a form filed pursuant to the provisions  
4 of this section shall daily submit a legible copy of the transactions  
5 to the Department of Justice.

6 *SEC. 7. Section 21208 is added to the Financial Code, to read:*

7 21208. A pawnbroker shall comply with the reporting  
8 requirements imposed on secondhand dealers under Article 4  
9 (commencing with Section 21625) of Chapter 9 of Division 8 of  
10 the Business and Professions Code.

11 *SEC. 8. Section 21300 of the Financial Code is amended to*  
12 *read:*

13 21300. (a) The chief of police, the sheriff, or, where  
14 appropriate, the police commission, shall accept an application for  
15 and grant a license permitting the licensee to engage in the business  
16 of pawnbroker, as defined in Section 21000, at the address  
17 indicated on the application, to an applicant who has complied  
18 with the requirements of Sections 21303, 21304, and 21305 and  
19 has not been convicted of an attempt to receive stolen property or  
20 any other offense involving stolen property. Prior to the granting  
21 of a license, the licensing authority shall submit the application to  
22 the Department of Justice. If the Department of Justice does not  
23 comment on the application within 30 days thereafter, the licensing  
24 authority shall grant the applicant a license. All forms for  
25 application and licensure, and license renewal, shall be prescribed  
26 and provided by the Department of Justice. A fee not to exceed  
27 the actual processing costs to the Department of Justice and the  
28 chief of police, the sheriff, or where appropriate, the police  
29 commission may be charged to the applicant *may be charged to*  
30 *the applicant by the Department of Justice, as specified in Section*  
31 *21642.5 of the Business and Professions Code, for processing the*  
32 *initial license application.*

33 (b) For the purposes of this section, “convicted” means a plea  
34 or verdict of guilty or a conviction following a plea of nolo  
35 contendere.

36 (c) Notwithstanding subdivisions (a) and (b), no person shall  
37 be denied a pawnbroker’s license solely on the grounds that he or  
38 she violated any provision contained in Chapter 1 (commencing  
39 with Section 21000) or Chapter 2 (commencing with Section  
40 21200) ~~of this division or~~, *or any provision contained in Article*

1 4 (commencing with Section 21625) or Article 5 (commencing  
 2 with Section 21650) of Chapter 9 of Division 8 of the Business  
 3 and Professions Code, unless the violation demonstrates a pattern  
 4 of conduct.

5 *SEC. 9. Section 21301 of the Financial Code is amended to*  
 6 *read:*

7 21301. (a) A license granted pursuant to Section 21300 shall  
 8 be renewable the second year from the date of issue, and every  
 9 other year thereafter, upon the filing of a renewal application,  
 10 *payment of a renewal fee specified by the licensing authority, and*  
 11 *compliance with the requirements of Section 21303. The*  
 12 *Department of Justice and the chief of police, the sheriff, or, where*  
 13 *appropriate, the police commission may charge a fee for the license*  
 14 *renewal not to exceed the actual processing costs. The licensing*  
 15 *authority shall collect the fee and transmit the fee and a copy of*  
 16 *the renewed license to the Department of Justice may also require*  
 17 *the licensee to pay a fee as described in Section 21642.5 of the*  
 18 *Business and Professions Code.*

19 (b) The license shall be subject to forfeiture by the licensing  
 20 authority, and the licensee’s activities as a pawnbroker shall be  
 21 subject to being enjoined pursuant to Section 21302, for breach of  
 22 any of the following conditions:

23 (1) The business shall be carried on only at the location  
 24 designated on the license. The license shall designate all locations  
 25 where property belonging to the business is stored. Property of the  
 26 business may be stored at locations not designated on the license  
 27 only with the written consent of the local licensing authority.

28 (2) The license or a copy thereof, certified by the licensing  
 29 authority, shall be displayed on the premises in plain view of the  
 30 public.

31 (3) The licensee shall not engage in any act that the licensee  
 32 knows to be in violation of this article.

33 (4) The licensee shall not be convicted of an attempt to receive  
 34 stolen property or other offense involving stolen property. For the  
 35 purposes of this paragraph, “convicted” means a plea or verdict  
 36 of guilty or a conviction following a plea of nolo contendere. Any  
 37 action that the chief of police, the sheriff, or, where appropriate,  
 38 the police commission, is permitted to take following that  
 39 conviction may be taken when the time for appeal has elapsed, the  
 40 judgment of conviction has been affirmed on appeal, or an order

1 granting probation is made suspending the imposition of sentence,  
2 irrespective of a subsequent order under Section 1203.4 of the  
3 Penal Code.

4 (c) Notwithstanding subdivisions (a) and (b), no renewal  
5 application for a pawnbroker's license may be denied, nor may  
6 his or her pawnbroker's license be forfeited, solely on the grounds  
7 that the applicant violated any provision contained in Chapter 1  
8 (commencing with Section 21000); *or* Chapter 2 (commencing  
9 with Section 21200) ~~of this division~~, *or any provision contained*  
10 *in Article 4 (commencing with Section 21625) or Article 5*  
11 *(commencing with Section 21650) of Chapter 9 of Division 8; of*  
12 *the Business and Professions Code, unless the violation*  
13 *demonstrates a pattern of conduct.*

14 *SEC. 10. The Legislature finds and declares that the initial*  
15 *licensure and renewal fees authorized by Section 21642.5 of the*  
16 *Business and Professions Code, as proposed to be added by Section*  
17 *5 of this act, are necessary to implement and maintain the*  
18 *statewide, uniform electronic reporting system and constitute*  
19 *charges imposed for the specific benefit of secondhand dealers*  
20 *and pawnbrokers under paragraph (1) of subdivision (b) of Section*  
21 *3 of Article XIII A of the California Constitution. The Legislature*  
22 *finds and declares that these fees eliminate the costly and*  
23 *risk-prone paper reporting system required of these businesses*  
24 *under existing law.*

25 *The Legislature further finds and declares that the initial*  
26 *licensure and renewal fees authorized by Section 21642.5 of the*  
27 *Business and Professions Code, as proposed to be added by Section*  
28 *5 of this act, are imposed for the reasonable regulatory costs to*  
29 *the state incident to issuing licenses and performing investigations*  
30 *under paragraph (3) of subdivision (b) of Section 3 of Article XIII A*  
31 *of the California Constitution. The Legislature finds and declares*  
32 *that these fees are no more than necessary to offset the costs*  
33 *incurred by the Department of Justice in processing licensure and*  
34 *renewal applications for secondhand dealers and pawnbrokers*  
35 *and implementing and maintaining a statewide, uniform electronic*  
36 *reporting system required to effectuate the Legislative intent*  
37 *expressed in Section 21625 of the Business and Professions Code.*

38 *SEC. 11. This act is an urgency statute necessary for the*  
39 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*  
2 *immediate effect. The facts constituting the necessity are:*

3 *In order to make the uniform, statewide electronic reporting*  
4 *system available to secondhand dealers and pawnbrokers as soon*  
5 *as possible, it is necessary that this act take effect immediately.*

6 SECTION 1. ~~Section 399.32 is added to the Public Utilities~~  
7 ~~Code, to read:~~

8 399.32. ~~Notwithstanding paragraph (1) of subdivision (d) of~~  
9 ~~Section 399.30, the governing board of a local publicly owned~~  
10 ~~electric utility may adopt rules permitting the utility to apply excess~~  
11 ~~procurement of eligible renewable energy resources from one~~  
12 ~~compliance period to subsequent compliance periods in the same~~  
13 ~~manner as allowed for retail sellers pursuant to Section 399.13,~~  
14 ~~with the following exceptions:~~

15 (a) ~~Consistent with subdivision (b), excess procurement of~~  
16 ~~eligible renewable energy resources from a contract of more than~~  
17 ~~seven years in duration that was executed before January 1, 2010,~~  
18 ~~may be applied to subsequent compliance periods without any~~  
19 ~~restrictions.~~

20 (b) ~~Excess procurement accumulated through December 31,~~  
21 ~~2010, may be applied to subsequent compliance periods if all of~~  
22 ~~the following conditions are satisfied:~~

23 (1) ~~The excess is calculated based on annual eligible renewable~~  
24 ~~energy resources procurement targets in effect since 2006.~~

25 (2) ~~The procurement targets, as amended, specified the~~  
26 ~~achievement of not less than a 20 percent renewables portfolio~~  
27 ~~standard by no later than December 31, 2010.~~

28 (3) ~~The procurement targets increased for each intervening year~~  
29 ~~before 2010.~~