

City of Sacramento
State Legislature

4

B I L L R E F E R R A L
U R G E N T

DATE: JAN 1 8 1990 COMMITTEE ACTION: _____

TO: Chief Kearns, Police DATE: _____

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN: A.S.A.P.

A.B. _____, As Amended _____ * Author _____

S.B. 1786, As Amended 1-12-90 * Author Boatwright

*Date of introduction or latest amendment

Note: P. 3, lines 28-40; P. 4, lines 1-2; P. 8, lines 32-40; P. 9, lines 1-7

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303, (1400 K Street, Suite 306, Sacramento, CA 95814.) This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____.

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

SB1786 expands the scope of forfeiture provisions to include the forfeiture of interest of any registered owner of a boat, airplane, or vehicle which has been used to facilitate specified controlled substance violations occurring on the premises of, or within 1,000 yards of, any public or private school, college or university.

2. This measure should be: (Please circle desired position)

Supported

Opposed

Supported if Amended to include
H&S Code Section 11352
Other (explain)

Placed on Watch List

3. Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure on the City. Please make your comments in a format that can be used in a letter to state officials. (Continue on next page or attach additional sheets if necessary.)

(Continue answer to Question No. 3 here)

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

Unknown

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

Health & Safety Code Section 11352 should be included on page 3, line 31.

For clarification of the ability to seize on the basis of mere possession, lines 33-35 should be amended to specifically list sections 11350, 11377, and 11680 of the Health and Safety Code. (And Section 11357(C) in the case of possession of marijuana + 28.5 grams)

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

This is a new bill. Supporters presently include the County of Contra Costa, Contra Costa District Attorney, and the City of Antioch.

The League of California Cities has not yet stated their position on this bill.

7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

This bill does not involve a state mandated local program.

Inasmuch as proceeds from the sales of boats, airplanes, and vehicles seized under the new provisions will be deposited into, among other funds, the Peace Officers' Training Fund, and a percentage of monies received from these sales will be awarded to local agencies, this bill would make an appropriation.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento? 9 This bill is significant in that an appropriation would be made. This bill would also enable the Sacramento Police Department to seize additional vehicles and discourage narcotic/gang activity near local schools.
- FORM COMPLETED BY: BEVERLY STAFFORD, ADMIN ANALYST II DATE: 1/23/90

BILL ANALYSIS (Continued)

1. (Cont'd) Existing law allows for forfeiture of boats, airplanes, and vehicles, providing these conveyances are associated with transportation, sales, possession for sales, or manufacturing of narcotic substances, or conspiracy to do any of the above. Quantity restrictions exist for all controlled substances.

The proposed bill provides for the seizure of boats, airplanes, and vehicles for transportation, sales, possession for sales, or manufacturing AND ALSO FOR MERE POSSESSION OF controlled substances, WITHOUT MINIMUM QUANTITY RESTRICTIONS, except in the case of marijuana, where a minimum of 28.5 grams exists, PROVIDING THE VIOLATION OCCURS WITHIN 1,000 YARDS OF A PUBLIC OR PRIVATE SCHOOL, COLLEGE OR UNIVERSITY. Seizure based on conspiracy to do any of the above INCLUDING POSSESSION, exists, as well as seizure based upon violations involving furnishing a substance represented as a narcotic.

3. This bill should be supported if amended to include Health & Safety Code Section 11352 for continuity.

The proposed bill would enhance existing asset forfeiture law and would result in additional seizures. Monies generated from the sales of additional conveyances seized would provide additional funds to be used by the City of Sacramento Police Department for law enforcement purposes.

This bill will also discourage narcotic/gang activity near local schools, providing a safer environment for local youth.

**Introduced by Senator Boatwright
(Principal coauthor: Senator Mello)
(Coauthors: Senators Ayala, Cecil Green, Leonard, Maddy,
McCorquodale, Rogers, Royce, and Seymour)
(Coauthors: Assembly Members Baker and Lempert)**

January 12, 1990

An act to amend, repeal, and add Sections 11470 and 11488 of the Health and Safety Code, and to amend Section 16 of Chapter 1492 of the Statutes of 1988, relating to controlled substances, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1786, as introduced, Boatwright. Controlled substances: forfeiture.

Existing law provides for the forfeiture of, among other properties, the interest of any registered owner of a boat, airplane, or vehicle which has been used in any manner to facilitate the possession for sale or the sale of certain threshold quantities of specified controlled substances.

This bill would expand the scope of these forfeiture provisions so as to apply to the interest of any registered owner of a boat, airplane, or vehicle which has been used in any manner to facilitate specified controlled substance violations, occurring on the premises of, or within 1,000 yards of, any public or private school, college, or university.

To the extent that additional moneys will result from the proceeds of sales generated by the expanded application of the forfeiture procedure caused by this bill, and since these moneys are deposited in, among other funds, the Peace Officers' Training Fund, a continuously appropriated fund, the bill would make an appropriation.

Vote: $\frac{2}{3}$. 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 11470 of the Health and Safety
2 Code, as amended by Section 1.3 of Chapter 1195 of the
3 Statutes of 1989, is amended to read:

4 11470. The following are subject to forfeiture:

5 (a) All controlled substances which have been
6 manufactured, distributed, dispensed, or acquired in
7 violation of this division.

8 (b) All raw materials, products and equipment of any
9 kind which are used, or intended for use, in
10 manufacturing, compounding, processing, delivering,
11 importing, or exporting any controlled substance in
12 violation of this division.

13 (c) All property except real property or a boat,
14 airplane, or any vehicle which is used, or intended for use,
15 as a container for property described in subdivision (a)
16 or (b).

17 (d) (1) All books, computers, records, and research
18 products and materials, including formulas, microfilm,
19 tapes, data, computer programs, and software which are
20 used, or intended for use, in violation of this division.

21 (2) Any firearm or other weapon, device,
22 ammunition subject to Title 2 (commencing with Section
23 12000) of Part 4 of the Penal Code which is used in any
24 manner to facilitate or which is possessed or used in the
25 commission of a violation of this division.

26 (e) (1) The interest of any registered owner of a boat,
27 airplane, or any vehicle, which has been used in any
28 manner to facilitate the possession for sale or sale of 7.125
29 grams or more of a substance containing either heroin or
30 cocaine base, as specified in paragraph (1) of subdivision

31 (f) of Section 11054, or 14.25 grams or more of a substance
32 containing a Schedule I controlled substance except
33 marijuana, peyote, or psilocybin; five pounds dry weight
34 or more of marijuana, peyote, or psilocybin; or 14.25
35 grams or more of a substance containing cocaine, as
36 specified in paragraph (6) of subdivision (b) of Section

1 11055, or methamphetamine; or 14.25 grams or more of a
2 substance containing a Schedule II controlled substance.
3 However, an interest not to exceed ten thousand dollars
4 (\$10,000) in a vehicle which may be lawfully driven on
5 the highway with a class 3 or 4 license, as prescribed in
6 Section 12804 of the Vehicle Code, which is a community
7 property asset of a person who is a registered owner of
8 the vehicle other than the person whose conduct renders
9 the vehicle subject to forfeiture, and which is the sole
10 class 3 or 4 vehicle available to that registered owner's
11 immediate family, shall not be subject to forfeiture. The
12 exemption from forfeiture provided by this subdivision
13 shall not apply if pursuant to subdivision (e) of Section
14 11488.5 the trier of fact finds the person claiming the
15 exemption knew or should have known of the unlawful
16 use of the property.

17 (2) The interest of any person in a license described in
18 Section 23393, 23394, or 23396 of the Business and
19 Professions Code when the licensed premises were used
20 or intended to be used, with the actual knowledge and
21 willful consent of the licensee, to facilitate any violation
22 of Sections 11351, 11351.5, 11355, 11359, 11360, 11378,
23 11378.5, 11379, 11379.5, 11379.6, and 11382 of this code, or
24 Section 182 of the Penal Code, insofar as the offense
25 involves the manufacture, sale, possession for sale, offer
26 for sale, or offer to manufacture, a controlled substance,
27 or conspiracy to commit at least one of those offenses.

28 (3) *Notwithstanding paragraph (1), the interest of any*
29 *registered owner of a boat, airplane, or vehicle, which has*
30 *been used in any manner to facilitate any violation of*
31 *Section 11351, 11351.5, 11355, 11359, 11360, 11378, 11378.5,*
32 *11379, 11379.5, 11379.6, or 11382 of this code, any violation*
33 *of any section of this division proscribing the unlawful*
34 *possession of a controlled substance, including, but not*
35 *limited to, more than 28.5 grams of marijuana, or any*
36 *violation of Section 182 of the Penal Code, insofar as the*
37 *offense involves the possession, manufacture, sale,*
38 *possession for sale, offer for sale, or offer to manufacture,*
39 *a controlled substance, or conspiracy to commit at least*
40 *one of those offenses, and the offense occurred on the*

1 premises of, or within 1,000 yards of, any public or pri
2 school, college, or university.

3 (f) All moneys, negotiable instruments, securities, or
4 other things of value furnished or intended to be
5 furnished by any person in exchange for a controlled
6 substance, all proceeds traceable to such an exchange,
7 and all moneys, negotiable instruments, or securities,
8 which were used or intended to be used to facilitate any
9 violation of Section 11351, 11351.5, 11352, 11355, 11359,
10 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, or 11382 of
11 this code, or Section 182 of the Penal Code, insofar as the
12 offense involves manufacture, sale, possession for sale,
13 offer for sale, or offer to manufacture, or conspiracy to
14 commit at least one of those offenses, if the exchange,
15 violation, or other conduct which is the basis for the
16 forfeiture occurred within five years of the seizure of the
17 property, or the filing of a petition under this chapter, or
18 the issuance of an order of forfeiture of the property,
19 whichever comes first.

20 (g) Real property related to a violation, whether
21 charged or not, of Section 11366, 11366.5, 11366.6, or
22 11379.6. However, an interest not to exceed one hundred
23 thousand dollars (\$100,000) in real property which is used
24 as a family residence and which is owned by two or m
25 persons shall not be subject to forfeiture. The exempt
26 from forfeiture provided by this subdivision shall not
27 apply if pursuant to subdivision (e) of Section 11488.5 the
28 trier of fact finds the person claiming the exemption
29 knew or should have known of the unlawful use of the
30 property.

31 (h) All right, title, and interest in any property
32 described in this section shall vest in the state upon
33 commission of the act giving rise to forfeiture under this
34 chapter.

35 The operation of the special vesting rule established by
36 this subdivision shall be limited to circumstances where
37 its application will not defeat the claim of any person,
38 including a bona fide purchaser or encumbrancer who,
39 pursuant to Section 11488.5 or 11488.6, establishes an
40 interest in the property seized, which interest arose prior

1 to the seizure or the filing of the petition for forfeiture
2 pursuant to this chapter, whichever occurs first,
3 notwithstanding that the interest in the property being
4 claimed was acquired from a person whose property
5 interest would otherwise have been subject to
6 divestment pursuant to this subdivision.

7 *(i) This section shall remain in effect only until*
8 *January 1, 1994, and as of that date is repealed.*

9 SEC. 2. Section 11470 is added to the Penal Code, to
10 read:

11 11470. The following are subject to forfeiture:

12 (a) All controlled substances which have been
13 manufactured, distributed, dispensed, or acquired in
14 violation of this division.

15 (b) All raw materials, products and equipment of any
16 kind which are used, or intended for use, in
17 manufacturing, compounding, processing, delivering,
18 importing, or exporting any controlled substance in
19 violation of this division.

20 (c) All property which is used, or intended for use, as
21 a container for property described in subdivision (a) or
22 (b).

23 (d) All books, records, and research products and
24 materials, including formulas, microfilm, tapes, and data
25 which are used, or intended for use, in violation of this
26 division.

27 (e) (1) The interest of any registered owner of a boat,
28 airplane, or any vehicle other than an implement of
29 husbandry, as defined in Section 36000 of the Vehicle
30 Code, which has been used as an instrument to facilitate
31 the possession for sale or sale of 14.25 grams or more of
32 heroin or cocaine base as specified in paragraph (1) of
33 subdivision (f) of Section 11054, or a substance containing
34 14.25 grams or more of heroin or cocaine base as specified
35 in paragraph (1) of subdivision (f) of Section 11054, or
36 14.25 grams or more of a substance containing heroin or
37 cocaine base as specified in paragraph (1) of subdivision
38 (f) of Section 11054, or 28.5 grams or more of Schedule I
39 controlled substances except marijuana, peyote, or
40 psilocybin; 10 pounds dry weight or more of marijuana,

1 peyote, or psilocybin; or 28.5 grams or more of cocaine,
2 as specified in paragraph (6) of subdivision (b) of Section
3 11055 or methamphetamine; or a substance containing
4 28.5 grams or more of cocaine as specified in paragraph
5 (6) of subdivision (b) of Section 11055 or
6 methamphetamine; or 57 grams or more of a substance
7 containing cocaine as specified in paragraph (6) of
8 subdivision (b) of Section 11055 or methamphetamine; or
9 28.5 grams or more of Schedule II controlled substances.
10 No interest in a vehicle which may be lawfully driven on
11 the highway with a class 3 or class 4 license, as prescribed
12 in Section 12804 of the Vehicle Code, may be forfeited
13 under this subdivision if there is a community property
14 interest in the vehicle by a person other than the
15 defendant and the vehicle is the sole class 3 or class 4
16 vehicle available to the defendant's immediate family.
17 (2) Notwithstanding paragraph (1), the interest of any
18 registered owner of a boat, airplane, or vehicle, which has
19 been used in any manner to facilitate any violation of
20 Section 11351, 11351.5, 11355, 11359, 11360, 11378, 11378.5,
21 11379, 11379.5, 11379.6, or 11382 of this code, any violation
22 of any section of this division proscribing the unlawful
23 possession of a controlled substance, including, but not
24 limited to, more than 28.5 grams of marijuana, or
25 violation of Section 182 of the Penal Code, insofar as
26 offense involves the possession, manufacture, sale,
27 possession for sale, offer for sale, or offer to manufacture,
28 a controlled substance, or conspiracy to commit at least
29 one of those offenses, and the offense occurred on the
30 premises of, or within 1,000 yards of, any public or private
31 school, college, or university.
32 (f) All moneys, negotiable instruments, securities, or
33 other things of value furnished or intended to be
34 furnished by any person in exchange for a controlled
35 substance, all proceeds traceable to such an exchange,
36 and all moneys, negotiable instruments, securities, or
37 other things of value used or intended to be used to
38 facilitate any violation of Section 11351, 11351.5, 11352,
39 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6,
40 or 11382 of this code, or Section 182 of the Penal Code,

1 insofar as the offense involves manufacture, sale,
2 possession for sale, offer for sale, or offer to manufacture,
3 or conspiracy to commit at least one of those offenses, if
4 the exchange, violation, or other conduct which is the
5 basis for the forfeiture occurred within five years of the
6 seizure of the property.

7 (g) The real property of any property owner who is
8 convicted of violating Section 11366, 11366.5, or 11366.6
9 with respect to that property. However, property which
10 is used as a family residence or for other lawful purposes,
11 or which is owned by two or more persons, one of whom
12 had no knowledge of its unlawful use, shall not be subject
13 to forfeiture.

14 (h) Subject to Section 1538.5 of the Penal Code and
15 compliance with the requirements of Section 11488.5 and
16 except as further limited by this subdivision to protect
17 innocent parties who claim a property interest acquired
18 from a defendant, all right, title, and interest in any
19 personal property described in this section shall vest in
20 the state upon commission of the act giving rise to
21 forfeiture under this chapter, if the state or local
22 governmental entity proves a violation of Section 11351,
23 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379,
24 11379.5, 11379.6, or 11382 in accordance with the burden
25 of proof set forth in subdivision (j) of Section 11488.

26 The operation of the special vesting rule established by
27 this subdivision shall be limited to circumstances where
28 its application will not defeat the claim of any person,
29 including a bona fide purchaser or encumbrancer who,
30 pursuant to Section 11488.5, 11488.6, or 11489, claims an
31 interest in the property seized, notwithstanding that the
32 interest in the property being claimed was acquired from
33 a defendant whose property interest would otherwise
34 have been subject to divestment pursuant to this
35 subdivision.

36 (i) Except as otherwise provided in this subdivision,
37 upon seizure by any peace officer of this state, all moneys,
38 negotiable instruments, or other cash equivalents seized
39 in accordance with Section 11488, shall, immediately
40 upon being seized, come under the jurisdiction of the

1 superior court of the county in which the defendant as
2 been charged with the underlying or related criminal
3 offense or the superior court of the county in which the
4 property subject to forfeiture has been seized. These
5 moneys, negotiable instruments, or other cash
6 equivalents shall be handled in accordance with
7 subdivision (b) of Section 11488.

8 This subdivision applies only to the Los Angeles Police
9 Department and the Los Angeles Sheriff's Department
10 and does not apply (1) when the property seized exceeds
11 a value of fifty thousand dollars (\$50,000), (2) in any case
12 where the seizure was made in the course of a criminal
13 investigation in which federal law enforcement agents
14 participated, or (3) in any case in which the underlying
15 or related criminal action or proceeding is brought in
16 federal court.

17 (j) This section shall become operative on January 1,
18 1994.

19 SEC. 3. Section 11488 of the Health and Safety Code,
20 as amended by Section 2 of Chapter 1195 of the Statutes
21 of 1989, is amended to read:

22 11488. (a) (1) Any peace officer of this state,
23 incident or subsequent to making or attempting to make
24 an arrest for a violation of Section 11351, 11351.5, 11352,
25 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11380,
26 11382, or 11383 of this code, or Section 182 of the Penal
27 Code insofar as the offense involves manufacture, sale,
28 purchase for the purpose of sale, possession for sale or
29 offer to manufacture or sell, or conspiracy to commit one
30 of those offenses, may seize any item subject to forfeiture
31 under Section 11470.

32 (2) *Notwithstanding paragraph (1), any peace officer*
33 *of this state, making or subsequent to making or*
34 *attempting to make an arrest for a violation of Section*
35 *11351, 11351.5, 11355, 11359, 11360, 11378, 11378.5, 11379,*
36 *11379.5, 11379.6, or 11382 of this code, or any section of this*
37 *division proscribing the unlawful possession of a*
38 *controlled substance, including, but not limited to, more*
39 *than 28.5 grams of marijuana, or any violation of Section*
40 *182 of the Penal Code, insofar as the offense involves the*

1 possession, manufacture, sale, possession for sale, offer for
 2 sale, or offer to manufacture, a controlled substance, or
 3 conspiracy to commit at least one of those offenses, and
 4 the offense occurred on the premises of, or within 1,000
 5 yards of, any public or private school, college, or
 6 university, may seize any item subject to forfeiture under
 7 Section 11470.

8 (b) The peace officer shall notify the Franchise Tax
 9 Board of a seizure where there is reasonable cause to
 10 believe that the value of the seized property exceeds five
 11 thousand dollars (\$5,000).

12 (c) Receipts for property seized pursuant to this
 13 section shall be delivered to any person out of whose
 14 possession such property was seized, in accordance with
 15 Section 1412 of the Penal Code. In the event property
 16 seized was not seized out of anyone's possession, receipt
 17 for the property shall be delivered to the individual in
 18 possession of the premises at which the property was
 19 seized or, if the individual is not present on the premises,
 20 the receipt shall be left in a prominent place at the
 21 premises.

22 (d) There shall be a presumption affecting the burden
 23 of proof that the person to whom a receipt for property
 24 was issued is the owner thereof. This presumption may,
 25 however, be rebutted at the forfeiture hearing specified
 26 in Section 11488.5.

27 (e) *This section shall remain in effect only until*
 28 *January 1, 1994, and as of that date is repealed.*

29 SEC. 4. Section 11488 is added to the Health and
 30 Safety Code, to read:

31 11488. (a) (1) Any peace officer of this state,
 32 subsequent to making or attempting to make an arrest for
 33 a violation of Section 11351, 11351.5, 11352, 11355, 11359,
 34 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, or 11382 of
 35 this code, or Section 182 of the Penal Code insofar as the
 36 offense involves manufacture, sale, purchase for the
 37 purpose of sale, possession for sale or offer to manufacture
 38 or sell, or conspiracy to commit one of those offenses, may
 39 seize any item subject to forfeiture under subdivisions (a)
 40 to (f), inclusive, of Section 11470.

1 (2) Notwithstanding paragraph (1), any peace officer
2 of this state, subsequent to making or attempting to make
3 an arrest for a violation of Section 11351, 11351.5, 11355,
4 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, or
5 11382 of this code, or any section of this division
6 proscribing the unlawful possession of a controlled
7 substance, including, but not limited to, more than 28.5
8 grams of marijuana, or any violation of Section 182 of the
9 Penal Code, insofar as the offense involves the possession,
10 manufacture, sale, possession for sale, offer for sale, or
11 offer to manufacture, a controlled substance, or
12 conspiracy to commit at least one of those offenses, and
13 the offense occurred on the premises of, or within 1,000
14 yards of, any public or private school, college, or
15 university, may seize any item subject to forfeiture under
16 Section 11470.

17 (3) The peace officer shall also notify the Franchise
18 Tax Board of a seizure where there is reasonable cause to
19 believe that the value of the seized property under this
20 subdivision exceeds five thousand dollars (\$5,000).

21 (b) Except as provided in this subdivision, the peace
22 officer shall immediately turn over all moneys, negotiable
23 instruments, or other cash equivalents to the superior
24 court of the county in which the defendant has been
25 charged with the underlying or related criminal offense
26 or the superior court of the county in which the property
27 subject to forfeiture has been seized or to the Attorney
28 General or district attorney to hold for that court. Except
29 for property subject to forfeiture pursuant to subdivision
30 (j) of Section 11488.4, these moneys, negotiable
31 instruments, or other cash equivalents shall not be
32 transferred to any other agency, local, state, or federal,
33 except upon court order. The peace officer shall also
34 notify the Franchise Tax Board of a seizure where there
35 is reasonable cause to believe that the value of the seized
36 property exceeds five thousand dollars (\$5,000).

37 This subdivision applies only to the Los Angeles Police
38 Department and the Los Angeles Sheriff's Department
39 and does not apply (1) when the property seized exceeds
40 a value of fifty thousand dollars (\$50,000), (2) in any case

1 where the seizure was made in the course of a criminal
2 investigation in which federal law enforcement agents
3 participated, or (3) in any case in which the underlying
4 or related criminal action or proceeding is brought in the
5 federal court.

6 (c) Receipts for property seized pursuant to this
7 section shall be delivered to any person out of whose
8 possession such property was seized, in accordance with
9 Section 1412 of the Penal Code. In the event property
10 seized was not seized out of anyone's possession, receipt
11 for the property shall be delivered to the individual in
12 possession of the premises at which the property was
13 seized.

14 (d) There shall be a presumption affecting the burden
15 of proof that the person to whom a receipt for property
16 was issued is the owner thereof. This presumption may,
17 however, be rebutted at the forfeiture hearing specified
18 in Section 11488.5.

19 (e) This section shall become operative on January 1,
20 1994.

21 SEC. 5. Section 16 of Chapter 1492 of the Statutes of
22 1988 is amended to read:

23 Sec. 16. The provisions of the Health and Safety Code
24 amended by this act, *except Sections 11470 and 11488 of*
25 *that code*, shall remain in effect only until January 1, 1994,
26 at which time those sections as they read on December
27 31, 1988, shall have the same force and effect as if they had
28 not been amended.