

ASSEMBLY BILL

No. 1835

Introduced by Assembly Member Bates

January 24, 2002

An act to repeal Section 142 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1835, as introduced, Bates. Peace officers: refusal to receive or arrest charged person.

Existing statutory law makes it a felony for any peace officer who has the authority to receive or arrest a person charged with a criminal offense to willfully refuse to receive or arrest that person, including a person arrested by a private person under a citizen's arrest.

This bill would repeal this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 142 of the Penal Code is repealed.
- 2 ~~142. (a) Any peace officer who has the authority to receive or~~
- 3 ~~arrest a person charged with a criminal offense and willfully~~
- 4 ~~refuses to receive or arrest such person shall be punished by a fine~~
- 5 ~~not exceeding ten thousand dollars (\$10,000), or by imprisonment~~
- 6 ~~in the state prison, or in a county jail not exceeding one year, or by~~
- 7 ~~both such fine and imprisonment.~~
- 8 (b) ~~Notwithstanding subdivision (a), the sheriff may determine~~
- 9 ~~whether any jail, institution, or facility under his direction shall be~~



- 1 ~~designated as a reception, holding, or confinement facility, or shall~~
- 2 ~~be used for several of such purposes, and may designate the class~~
- 3 ~~of prisoners for which such facility shall be used.~~

