

**ASSEMBLY BILL**

**No. 743**

---

---

**Introduced by Assembly Member Strickland**

February 17, 2005

---

---

An act to amend Section 602 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 743, as introduced, Strickland. Minors: rape.

Proposition 21, an initiative statute, enumerates specified crimes for which a minor 14 years of age or older shall be prosecuted under the general law in a court of criminal jurisdiction. Proposition 21 allows those provisions to be amended by the Legislature by a 2/3 vote of the membership of each house.

This bill would add specified acts of rape to those enumerated crimes.

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

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

1 SECTION 1. Section 602 of the Welfare and Institutions  
2 Code is amended to read:  
3 602. (a) Except as provided in subdivision (b), any person  
4 who is under the age of 18 years when he or she violates any law  
5 of this state or of the United States or any ordinance of any city  
6 or county of this state defining crime other than an ordinance  
7 establishing a curfew based solely on age, is within the  
8 jurisdiction of the juvenile court, which may adjudge such person  
9 to be a ward of the court.

1 (b) Any person who is alleged, when he or she was 14 years of  
2 age or older, to have committed one of the following offenses  
3 shall be prosecuted under the general law in a court of criminal  
4 jurisdiction:

5 (1) Murder, as described in Section 187 of the Penal Code, if  
6 one of the circumstances enumerated in subdivision (a) of  
7 Section 190.2 of the Penal Code is alleged by the prosecutor, and  
8 the prosecutor alleges that the minor personally killed the victim.

9 (2) The following sex offenses, if the prosecutor alleges that  
10 the minor personally committed the offense, and if the prosecutor  
11 alleges one of the circumstances enumerated in the One Strike  
12 law, subdivision (d) or (e) of Section 667.61 of the Penal Code,  
13 applies:

14 (A) Rape, as described in paragraph (2), (3), or (4) of  
15 subdivision (a) of Section 261 of the Penal Code.

16 (B) Spousal rape, as described in paragraph (1) of subdivision  
17 (a) of Section 262 of the Penal Code.

18 (C) Forcible sex offenses in concert with another, as described  
19 in Section 264.1 of the Penal Code.

20 (D) Forcible lewd and lascivious acts on a child under the age  
21 of 14 years, as described in subdivision (b) of Section 288 of the  
22 Penal Code.

23 (E) Forcible sexual penetration, as described in subdivision (a)  
24 of Section 289 of the Penal Code.

25 (F) Sodomy or oral copulation in violation of Section 286 or  
26 288a of the Penal Code, by force, violence, duress, menace, or  
27 fear of immediate and unlawful bodily injury on the victim or  
28 another person.

29 (G) Lewd and lascivious acts on a child under the age of 14  
30 years, as defined in subdivision (a) of Section 288, unless the  
31 defendant qualifies for probation under subdivision (c) of Section  
32 1203.066 of the Penal Code.

O