

AMENDED IN ASSEMBLY MARCH 20, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2075**

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**Introduced by Assembly Member Cohn**

February 16, 2006

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An act to amend Section 954 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2075, as amended, Cohn. Crime.

Existing law provides that an accusatory pleading may charge 2 or more offenses of the same class of crimes or offenses, under separate counts, and that if 2 or more accusatory pleadings are filed in such cases in the same court, the court may order them to be consolidated.

This bill would specify that provisions proscribing child abuse and crimes of domestic violence are all of the same class of crimes or offenses and therefore may be charged in the same accusatory pleading under separate counts. This bill would also ~~require~~ *allow* a court to consolidate 2 or more accusatory pleadings filed in the same court alleging any crime of domestic violence.

Vote: majority. 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 954 of the Penal Code is amended to
- 2 read:
- 3 954. (a) An accusatory pleading may charge two or more
- 4 different offenses connected together in their commission, or
- 5 different statements of the same offense or two or more different

1 offenses of the same class of crimes or offenses, under separate  
2 counts, and if two or more accusatory pleadings are filed in such  
3 cases in the same court, the court may order them to be  
4 consolidated. The prosecution is not required to elect between the  
5 different offenses or counts set forth in the accusatory pleading,  
6 but the defendant may be convicted of any number of the  
7 offenses charged, and each offense of which the defendant is  
8 convicted must be stated in the verdict or the finding of the court;  
9 provided, that the court in which a case is triable, in the interests  
10 of justice and for good cause shown, may in its discretion order  
11 that the different offenses or counts set forth in the accusatory  
12 pleading be tried separately or divided into two or more groups  
13 and each of said groups tried separately. An acquittal of one or  
14 more counts shall not be deemed an acquittal of any other count.

15 (b) For purposes of this section, violations of Section 273a;  
16 *committed by willfully causing or permitting a child to suffer or*  
17 *inflicting thereon unjustifiable physical pain or mental suffering*  
18 *under circumstances or conditions likely to produce great bodily*  
19 *harm or death, Section 273ab, and 273d and any crime of*  
20 *domestic violence; as defined in ~~Section 6211 of the Family~~*  
21 *Code paragraph (1) of subdivision (e) of Section 243 and Section*  
22 *273.5 of the Penal Code, are all of the same class of crimes or*  
23 *offenses and may be charged in the same accusatory pleading*  
24 *under separate counts.*

25 (c) If two or more accusatory pleadings are filed in the same  
26 court alleging any crime of domestic violence, as defined in  
27 ~~Section 6211 of the Family Code paragraph (1) of subdivision~~  
28 ~~(e) of Section 243 and Section 273.5 of the Penal Code, the court~~  
29 ~~shall~~ may order them to be consolidated.

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