

ASSEMBLY BILL

No. 1767

Introduced by Assembly Member Ma
(Coauthor: Senator Yee)

January 8, 2008

An act to amend Section 1377 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1767, as introduced, Ma. Civil compromise: vandalism.

Existing law establishes a procedure for the civil compromise of misdemeanor offenses, whereby a person injured by an act constituting a misdemeanor has a remedy through a civil action, and the criminal proceeding may be stayed by the court and the defendant discharged if the victim acknowledges receiving satisfactory compensation for the injury. Civil compromise is not allowed in certain cases, including, among others, cases involving domestic violence, elder abuse, and child abuse.

This bill would add to those types of cases in which civil compromise is not allowed acts of vandalism by graffiti.

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 1377 of the Penal Code is amended to
2 read:
3 1377. When the person injured by an act constituting a
4 misdemeanor has a remedy by a civil action, the offense may be

1 compromised, as provided in Section 1378, except when it is
2 committed as follows:

3 (a) By or upon an officer of justice, while in the execution of
4 the duties of his or her office.

5 (b) Riotously.

6 (c) With an intent to commit a felony.

7 (d) In violation of any court order as described in Section 273.6
8 or 273.65.

9 (e) By or upon any family or household member, or upon any
10 person when the violation involves any person described in Section
11 6211 of the Family Code or subdivision (b) of Section 13700 of
12 this code.

13 (f) Upon an elder, in violation of Section 368 of this code or
14 Section 15656 of the Welfare and Institutions Code.

15 (g) Upon a child, as described in Section 647.6 or 11165.6.

16 (h) *As an act of vandalism by graffiti, as specified in paragraph*
17 *(1) of subdivision (a) of Section 594.*