

Introduced by Senator Yee
(Principal coauthor: Senator Harman)
(Principal coauthor: Assembly Member Torlakson)
(Coauthors: Assembly Members Blumenfield and Conway)

January 11, 2010

An act to amend Section 152.3 of the Penal Code, relating to reporting crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 840, as introduced, Yee. Reporting crimes.

Existing law, subject to exceptions, provides that any person who reasonably believes that he or she has observed the commission of a murder, rape, or lewd and lascivious act committed by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, where the victim of any of these crimes is under 14 years of age, shall notify a peace officer. Violation of these provisions is punishable by a fine not exceeding \$1,500 or incarceration not exceeding 6 months in a county jail, or both the fine and incarceration.

This bill would expand those provisions to apply when the victim of the offense observed is under 18 years of age, and would specify that this obligation to report crimes to a peace officer applies to sodomy, oral copulation, and sexual penetration, as specified, where those crimes are accomplished by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 152.3 of the Penal Code is amended to
2 read:

3 152.3. (a) Any person who reasonably believes that he or she
4 has observed the commission of any of the following offenses
5 where the victim is a child under the age of ~~14~~ 18 years shall notify
6 a peace officer, as defined in Chapter 4.5 (commencing with
7 Section 830) of Title 3 of Part 2:

8 (1) Murder.

9 (2) Rape.

10 (3) A violation of ~~paragraph (1) of subdivision (b) of Section~~
11 ~~288 of the Penal Code Section 286, 288, 288a, or 289,~~
12 *accomplished by use of force, violence, duress, menace, or fear of*
13 *immediate and unlawful bodily injury on the victim or another*
14 *person.*

15 (b) This section shall not be construed to affect privileged
16 relationships as provided by law.

17 (c) The duty to notify a peace officer imposed pursuant to
18 subdivision (a) is satisfied if the notification or an attempt to
19 provide notice is made by telephone or any other means.

20 (d) Failure to notify as required pursuant to subdivision (a) is a
21 misdemeanor and is punishable by a fine of not more than one
22 thousand five hundred dollars (\$1,500), by imprisonment in a
23 county jail for not more than six months, or by both that fine and
24 imprisonment.

25 (e) The requirements of this section shall not apply to the
26 following:

27 (1) A person who is related to either the victim or the offender,
28 including a husband, wife, parent, child, brother, sister,
29 grandparent, grandchild, or other person related by consanguinity
30 or affinity.

1 (2) A person who fails to report based on a reasonable mistake
2 of fact.

3 (3) A person who fails to report based on a reasonable fear for
4 his or her own safety or for the safety of his or her family.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.