

**ASSEMBLY BILL**

**No. 2121**

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**Introduced by Assembly Member Nielsen**

February 23, 2012

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An act to amend Section 243.2 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2121, as introduced, Nielsen. Crime: battery: commission: certain properties.

Existing law provides, with exceptions, that when a battery is committed on school property, park property, or the grounds of a public or private hospital, against any person, the battery is punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding one year, or by both the fine and imprisonment.

This bill would make technical, nonsubstantive changes to those provisions.

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 243.2 of the Penal Code is amended to
- 2 read:
- 3 243.2. (a) (1) Except as otherwise provided in Section 243.6,
- 4 when a battery is committed on school property, park property, or
- 5 the grounds of a public or private hospital, against any person, the
- 6 battery is punishable by a fine *of not-exceeding more than* two
- 7 thousand dollars (\$2,000), or by imprisonment in the county jail
- 8 not exceeding one year, or by both the fine and imprisonment.

1 (2) When a violation of this section is committed by a minor  
2 on school property, the court may, in addition to any other fine,  
3 sentence, or as a condition of probation, order the minor to attend  
4 counseling as deemed appropriate by the court at the expense of  
5 the minor’s parents. The court shall take into consideration the  
6 ability of the minor’s parents to ~~pay~~, *pay*; however, ~~no~~ a minor  
7 shall *not* be relieved of attending counseling because of the minor’s  
8 parents’ inability to pay for the counseling imposed by this section.

9 (b) For the purposes of this section, the following terms have  
10 the following meanings:

11 (1) “Hospital” means a facility for the diagnosis, care, and  
12 treatment of human illness that is subject to, or specifically  
13 exempted from, the licensure requirements of Chapter 2  
14 (commencing with Section 1250) of Division 2 of the Health and  
15 Safety Code.

16 (2) “Park” means any publicly maintained or operated park. It  
17 does not include any facility when used for professional sports or  
18 commercial events.

19 (3) “School” means any elementary school, junior high school,  
20 four-year high school, senior high school, adult school or any  
21 branch thereof, opportunity school, continuation high school,  
22 regional occupational center, evening high school, technical school,  
23 or community college.

24 (c) This section shall not apply to conduct arising during the  
25 course of an otherwise lawful labor dispute.