

ASSEMBLY BILL

No. 2587

Introduced by Assembly Member Knight

February 24, 2012

An act to amend Section 836.6 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2587, as introduced, Knight. Crime: escape.

Existing law makes it unlawful for any person who has been lawfully arrested by any peace officer and who knows, or by the exercise of reasonable care should have known, that he or she has been lawfully arrested by a peace officer, to thereafter escape or attempt to escape from that peace officer. A person who violates this provision is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year. If the escape or attempted escape is by force or violence, and the person proximately causes a peace officer serious bodily injury, existing law requires that the person be punished by imprisonment in a county jail for 2, 3, or 4 years, as specified, or by imprisonment in a county jail not to exceed one year.

This bill would make technical, nonsubstantive changes to the provision making it unlawful for any person who has been lawfully arrested by any peace officer and who knows, or by the exercise of reasonable care should have known, that he or she has been lawfully arrested by that peace officer, to thereafter escape or attempt to escape from that peace officer.

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 836.6 of the Penal Code is amended to
2 read:

3 836.6. (a) It is unlawful for any person who is remanded by a
4 magistrate or judge of any court in this state to the custody of a
5 sheriff, marshal, or other police agency, to thereafter escape or
6 attempt to escape from that custody.

7 (b) It is unlawful for any person who has been lawfully arrested
8 by any peace officer and who knows, or by the exercise of
9 reasonable care should have known, that he or she has been ~~so~~
10 *lawfully arrested by that peace officer*, to thereafter escape or
11 attempt to escape from that peace officer.

12 (c) Any person who violates subdivision (a) or (b) is guilty of
13 a misdemeanor, punishable by imprisonment in a county jail not
14 to exceed one year. However, if the escape or attempted escape is
15 by force or violence, and the person proximately causes a peace
16 officer serious bodily injury, the person shall be punished by
17 imprisonment pursuant to subdivision (h) of Section 1170 for two,
18 three, or four years, or by imprisonment in a county jail not to
19 exceed one year.