
Introduced by Senator Wyland

February 10, 2011

An act to amend Section 245.5 of the Penal Code, relating to an offense likely to produce great bodily injury.

LEGISLATIVE COUNSEL'S DIGEST

SB 258, as introduced, Wyland. Bodily injury: offense.

Existing law provides that the punishment for committing an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a school employee, and who knows or reasonably should know that the victim is a school employee engaged in the performance of his or her duties, when that school employee is engaged in the performance of his or her duties, is imprisonment in the state prison for 3, 4, or 5 years, or in a county jail not exceeding one year.

This bill would make technical, nonsubstantive change to these 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 245.5 of the Penal Code is amended to
2 read:
3 245.5. (a) ~~Every~~Any person who commits an assault with a
4 deadly weapon or instrument, other than a firearm, or by any means
5 likely to produce great bodily injury upon the person of a school
6 employee, and who knows or reasonably should know that the
7 victim is a school employee engaged in the performance of his or

1 her duties, when that school employee is engaged in the
2 performance of his or her duties, shall be punished by
3 imprisonment in the state prison for three, four, or five years, or
4 in a county jail not exceeding one year.

5 (b) ~~Every~~Any person who commits an assault with a firearm
6 upon the person of a school employee, and who knows or
7 reasonably should know that the victim is a school employee
8 engaged in the performance of his or her duties, when the school
9 employee is engaged in the performance of his or her duties, shall
10 be punished by imprisonment in the state prison for four, six, or
11 eight years, or in a county jail for not less than six months and not
12 exceeding one year.

13 (c) (1) ~~Every~~Any person who commits an assault upon the
14 person of a school employee with a stun gun or taser, and who
15 knows or reasonably should know that the person is a school
16 employee engaged in the performance of his or her duties, when
17 the school employee is engaged in the performance of his or her
18 duties, shall be punished by imprisonment in a county jail for a
19 term not exceeding one year or by imprisonment in the state prison
20 for two, three, or four years.

21 ~~This~~

22 (2) *This* subdivision shall not be construed to preclude or in any
23 way limit the applicability of Section 245 in any criminal
24 prosecution.

25 (d) As used in the section, “school employee” means any person
26 employed as a permanent or probationary certificated or classified
27 employee of a school district on a part-time or full-time basis,
28 including a substitute teacher. “School employee,” as used in this
29 section, also includes a student teacher, or a school board member.
30 “School,” as used in this section, has the same meaning as that
31 term is defined in Section 626.