
Introduced by Senator Cannella

February 14, 2011

An act to amend Section 799 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 308, as introduced, Cannella. Crime.

Existing law provides that an accessory to a crime is punishable by a fine not exceeding \$5,000, imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison. Existing law provides that prosecution for an offense punishable by imprisonment in the state prison shall be commenced within 3 years after commission of the offense and that prosecution for an offense not punishable by death or imprisonment in the state prison shall be commenced within one year after commission of the offense.

Existing law provides that prosecution for murder may be commenced at any time.

This bill would provide that prosecution of an accessory to murder may be commenced within 10 years after commission of the offense.

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

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

- 1 SECTION 1. Section 799 of the Penal Code is amended to
- 2 read:
- 3 799. Prosecution for an offense punishable by death or by
- 4 imprisonment in the state prison for life or for life without the
- 5 possibility of parole, or for the embezzlement of public money,
- 6 may be commenced at any time.

1 This section shall apply in any case in which the defendant was
2 a minor at the time of the commission of the offense and the
3 prosecuting attorney could have petitioned the court for a fitness
4 hearing pursuant to Section 707 of the Welfare and Institutions
5 Code.

6 *Notwithstanding Sections 801 and 802, prosecution of an*
7 *accessory to murder shall be commenced within 10 years after*
8 *commission of the offense.*