

AMENDED IN ASSEMBLY APRIL 11, 2013

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 579**

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**Introduced by Assembly Member Melendez**

February 20, 2013

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An act to add Section 801.3 to the Penal Code, relating to sex offenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 579, as amended, Melendez. Sex offenses against children.

Existing law generally requires that prosecution for a felony be commenced within 3 years, and if that felony is punishable by imprisonment for 8 years or more, generally be commenced within 6 years. Existing law provides that a prosecution for a felony offense for certain sex offenses against a minor may be commenced any time prior to the victim's 28th birthday or within 10 years after commission of the offense, as specified.

This bill would provide that, except as specified, a prosecution may be commenced at any time *prior to the victim's 28th birthday, or within the period and under the circumstances specified under other provisions of law, if applicable, whichever occurs later*, for any violation of specified criminal offenses, including harboring a principal to a felony, intimidating a witness, and conspiring to obstruct justice, if those offenses relate to a violation of various sex offenses, including rape and sodomy, in which the victim was a minor and the violation involved substantial sexual conduct. *The bill would also define the term "victim" for purposes of 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 801.3 is added to the Penal Code, to read:  
2 801.3. (a) Notwithstanding any other limitation of time  
3 prescribed in this chapter, prosecution for any offense described  
4 in subdivision (b) may be commenced at any time *prior to the*  
5 *victim’s 28th birthday, or within the period and under the*  
6 *circumstances described in subdivision (f) or (g) of Section 803,*  
7 *if applicable, whichever occurs later.*  
8 (b) This section applies to the following offenses:  
9 (1) Any violation of Section 33 by a person described in Section  
10 32, in which the person harbors, conceals, or aids any principal to  
11 a felony violation of Section 261, 286, 288, 288.5, 288a, or 289  
12 in which the victim was a minor and in which the violation  
13 involved substantial sexual conduct, as described in subdivision  
14 (b) of Section 1203.066, excluding mutual masturbation.  
15 (2) Any violation of Section 136.1, if the victim or witness was  
16 a victim of, or a witness to, any violation of Section 261, 286, 288,  
17 288.5, 288a, or 289 in which the victim was a minor and in which  
18 the violation involved substantial sexual conduct, as described in  
19 subdivision (b) of Section 1203.066, excluding mutual  
20 masturbation.  
21 (3) Any violation of Section 139 in which the credible threat is  
22 against the victim of, immediate family member of the victim of,  
23 or witness to, any violation of Section 261, 286, 288, 288.5, 288a,  
24 or 289 in which the victim was a minor and in which the violation  
25 involved substantial sexual conduct, as described in subdivision  
26 (b) of Section 1203.066, excluding mutual masturbation.  
27 (4) Any violation of Section 140 in which the force or threat to  
28 use force against a witness or victim involves a witness to, or  
29 victim of, any violation of Section 261, 286, 288, 288.5, 288a, or  
30 289 in which the victim was a minor and in which the violation  
31 involved substantial sexual conduct, as described in subdivision  
32 (b) of Section 1203.066, excluding mutual masturbation.  
33 (5) Any violation of Section 153 in which the crime compounded  
34 or concealed is any violation of Section 261, 286, 288, 288.5, 288a,  
35 or 289 in which the victim was a minor and in which the violation

1 involved substantial sexual conduct, as described in subdivision  
2 (b) of Section 1203.066, excluding mutual masturbation.

3 (6) Any violation of Section 132 in which the book, paper,  
4 document, record, or other instrument in writing forged or  
5 fraudulently altered or antedated relates to evidence of a violation  
6 of Section 261, 286, 288, 288.5, 288a, or 289 in which the victim  
7 was a minor and in which the violation involved substantial sexual  
8 conduct, as described in subdivision (b) of Section 1203.066,  
9 excluding mutual masturbation.

10 (7) Any conspiracy to obstruct justice, in violation of paragraph  
11 (5) of subdivision (a) of Section 182, in which the conspiracy to  
12 obstruct justice involves obstruction of any investigation or trial  
13 for any violation of Section 261, 286, 288, 288.5, 288a, or 289 in  
14 which the victim was a minor and in which the violation involved  
15 substantial sexual conduct, as described in subdivision (b) of  
16 Section 1203.066, excluding mutual masturbation.

17 (c) *As used in this section, "victim" means the victim of any*  
18 *violation of Section 261, 286, 288, 288.5, 288a, or 289 in which*  
19 *he or she was a minor at the time of the offense and the offense*  
20 *involved substantial sexual conduct, as described in Section*  
21 *1203.066, excluding mutual masturbation.*