

ASSEMBLY BILL

No. 707

Introduced by Assembly Member Ting

February 21, 2013

An act to amend Section 243.3 of the Penal Code, relating to battery.

LEGISLATIVE COUNSEL'S DIGEST

AB 707, as introduced, Ting. Battery.

Existing law provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, as specified, the penalty is imprisonment in a county jail not exceeding one year, or a fine not exceeding \$10,000, or both the fine and imprisonment. Existing law also provides that if the victim is injured, the offense would be punished by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, or 2 or 3 years, or by both that fine and imprisonment.

This bill would provide that a battery committed against the person of an individual authorized to issue citations for fare evasion or passenger conduct violations for a public transportation provider, as defined, or against the person of a parking control officer would be punishable by the penalties described above. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 243.3 of the Penal Code is amended to
 2 read:
 3 243.3. (a) When a battery is committed against the person of
 4 an operator, driver, or passenger on a bus, taxicab, streetcar, cable
 5 car, trackless trolley, or other motor vehicle, including a vehicle
 6 operated on stationary rails or on a track or rail suspended in the
 7 air, used for the transportation of persons for ~~hire, or hire~~; against
 8 a schoolbus ~~driver, or driver~~; against the person of a station agent
 9 or ticket agent for the entity providing the ~~transportation,~~
 10 *transportation; against the person of an individual authorized to*
 11 *issue citations for fare evasion or passenger conduct violations*
 12 *for a public transportation provider; or against the person of a*
 13 *parking control officer; and the person who commits the offense*
 14 *knows or reasonably should know that the victim, in the case of*
 15 *an operator, driver, or agent, individual authorized to issue citations*
 16 *for fare evasion or passenger conduct violations, or parking control*
 17 *officer, is engaged in the performance of his or her duties, or is a*
 18 *passenger the offense shall be punished by a fine not exceeding*
 19 *ten thousand dollars (\$10,000), or by imprisonment in a county*
 20 *jail not exceeding one year, or by both that fine and imprisonment.*
 21 *If an injury is inflicted on that victim, the offense shall be punished*
 22 *by a fine not exceeding ten thousand dollars (\$10,000), or by*
 23 *imprisonment in a county jail not exceeding one year or in the*
 24 *state prison for 16 months, or two or three years, or by both that*
 25 *fine and imprisonment.*
 26 *(b) As used in this section, “public transportation provider”*
 27 *means a publicly or privately owned entity that operates, for the*
 28 *transportation of persons for hire, a bus, taxicab, streetcar, cable*
 29 *car, trackless trolley, or other motor vehicle, including a vehicle*
 30 *operated on stationary rails or on a track or rail suspended in air,*
 31 *or that operates a schoolbus.*
 32 SEC. 2. No reimbursement is required by this act pursuant to
 33 Section 6 of Article XIII B of the California Constitution because
 34 the only costs that may be incurred by a local agency or school
 35 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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