

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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. 22352 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 707, as amended, Ting. ~~Battery-Vehicles.~~

Existing law provides that the prima facie speed limit is 25 miles per hour when passing a senior center or other facility primarily used by senior citizens that is next to a street other than a state highway and posted with a standard "SENIOR" warning sign. Existing law provides that a local authority is not required to erect the standard "SENIOR" warning sign until it receives donations from a private source to cover the costs of erecting the signage and the local authority determines that the proposed signing should be implemented. Existing law provides, however, that a local authority may pay for the cost of erecting the signs with any other funds available to it.

This bill would instead provide that a local authority is required to erect a standard "SENIOR" warning sign when it determines that the proposed signing should be implemented. The bill would also authorize a local authority to request grant funding to pay for the erection of those warning signs from the Pedestrian Safety Account.

~~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-no*.

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

1 SECTION 1. Section 22352 of the Vehicle Code is amended to
2 read:
3 22352. ~~(a)~~The prima facie limits are as follows and shall be
4 applicable unless changed as authorized in this code and, if so
5 changed, only when signs have been erected giving notice thereof:
6 ~~(1)~~
7 (a) Fifteen miles per hour:
8 ~~(A)~~
9 (1) When traversing a railway grade crossing, if during the last
10 100 feet of the approach to the crossing the driver does not have
11 a clear and unobstructed view of the crossing and of any traffic on
12 the railway for a distance of 400 feet in both directions along the
13 railway. This subdivision does not apply in the case of any railway
14 grade crossing where a human flagman is on duty or a clearly
15 visible electrical or mechanical railway crossing signal device is
16 installed but does not then indicate the immediate approach of a
17 railway train or car.
18 ~~(B)~~

1 (2) When traversing any intersection of highways if during the
2 last 100 feet of the driver's approach to the intersection the driver
3 does not have a clear and unobstructed view of the intersection
4 and of any traffic upon all of the highways entering the intersection
5 for a distance of 100 feet along all those highways, except at an
6 intersection protected by stop signs or yield right-of-way signs or
7 controlled by official traffic control signals.

8 ~~(C)~~

9 (3) On any alley.

10 ~~(2)~~

11 (b) Twenty-five miles per hour:

12 ~~(A)~~

13 (1) On any highway other than a state highway, in any business
14 or residence district unless a different speed is determined by local
15 authority under procedures set forth in this code.

16 ~~(B)~~

17 (2) When approaching or passing a school building or the
18 grounds thereof, contiguous to a highway and posted with a
19 standard "SCHOOL" warning sign, while children are going to or
20 leaving the school either during school hours or during the noon
21 recess period. The prima facie limit shall also apply when
22 approaching or passing any school grounds which are not separated
23 from the highway by a fence, gate, or other physical barrier while
24 the grounds are in use by children and the highway is posted with
25 a standard "SCHOOL" warning sign. For purposes of this
26 subparagraph, standard "SCHOOL" warning signs may be placed
27 at any distance up to 500 feet away from school grounds.

28 ~~(C)~~

29 (3) When passing a senior center or other facility primarily used
30 by senior citizens, contiguous to a street other than a state highway
31 and posted with a standard "SENIOR" warning sign. A local
32 authority is not required to erect any sign pursuant to this paragraph
33 ~~until donations from private sources covering those costs are~~
34 ~~received and the local agency makes a determination that the~~
35 ~~proposed signing should be implemented. A local authority may,~~
36 ~~however, may request grant funding from the Pedestrian Safety~~
37 ~~Account pursuant to Section 894.7 of the Streets and Highways~~
38 ~~Code to cover the cost of erecting the signs or may utilize any~~
39 other funds available to it to pay for the erection of those signs.

40 ~~(b) This section shall become operative on March 1, 2001.~~

1 SECTION 1. Section 243.3 of the Penal Code is amended to read:
2 243.3. (a) ~~When a battery is committed against the person of~~
3 ~~an operator, driver, or passenger on a bus, taxicab, streetcar, cable~~
4 ~~car, trackless trolley, or other motor vehicle, including a vehicle~~
5 ~~operated on stationary rails or on a track or rail suspended in the~~
6 ~~air, used for the transportation of persons for hire; against a~~
7 ~~schoolbus driver; against the person of a station agent or ticket~~
8 ~~agent for the entity providing the transportation; against the person~~
9 ~~of an individual authorized to issue citations for fare evasion or~~
10 ~~passenger conduct violations for a public transportation provider;~~
11 ~~or against the person of a parking control officer; and the person~~
12 ~~who commits the offense knows or reasonably should know that~~
13 ~~the victim, in the case of an operator, driver, agent, individual~~
14 ~~authorized to issue citations for fare evasion or passenger conduct~~
15 ~~violations, or parking control officer, is engaged in the performance~~
16 ~~of his or her duties, or is a passenger the offense shall be punished~~
17 ~~by a fine not exceeding ten thousand dollars (\$10,000), or by~~
18 ~~imprisonment in a county jail not exceeding one year, or by both~~
19 ~~that fine and imprisonment. If an injury is inflicted on that victim,~~
20 ~~the offense shall be punished by a fine not exceeding ten thousand~~
21 ~~dollars (\$10,000), or by imprisonment in a county jail not~~
22 ~~exceeding one year or in the state prison for 16 months, or two or~~
23 ~~three years, or by both that fine and imprisonment.~~
24 (b) ~~As used in this section, “public transportation provider”~~
25 ~~means a publicly or privately owned entity that operates, for the~~
26 ~~transportation of persons for hire, a bus, taxicab, streetcar, cable~~
27 ~~car, trackless trolley, or other motor vehicle, including a vehicle~~
28 ~~operated on stationary rails or on a track or rail suspended in air,~~
29 ~~or that operates a schoolbus.~~
30 SEC. 2. ~~No reimbursement is required by this act pursuant to~~
31 ~~Section 6 of Article XIII B of the California Constitution because~~
32 ~~the only costs that may be incurred by a local agency or school~~
33 ~~district will be incurred because this act creates a new crime or~~
34 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
35 ~~for a crime or infraction, within the meaning of Section 17556 of~~
36 ~~the Government Code, or changes the definition of a crime within~~
37 ~~the meaning of Section 6 of Article XIII B of the California~~
38 ~~Constitution.~~

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