

ASSEMBLY BILL

No. 2496

Introduced by Assembly Member Melendez

February 21, 2014

An act to amend Section 273a of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2496, as introduced, Melendez. Child abuse.

Existing law makes it unlawful, under circumstances or conditions likely to produce great bodily harm or death, to willfully cause or permit a child to suffer, or to inflict thereon unjustifiable physical pain or mental suffering, or, having the care or custody of a child, to willfully cause or permit the person or health of that child to be injured, or to willfully cause or permit that child to be placed in a situation where his or her person or health may be endangered.

This bill would make technical, nonsubstantive changes 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 273a of the Penal Code is amended to
2 read:
3 273a. (a) ~~Any~~A person who, under circumstances or conditions
4 likely to produce great bodily harm or death, willfully causes or
5 permits ~~any~~ a child to suffer, or inflicts thereon unjustifiable
6 physical pain or mental suffering, or having the care or custody

1 of ~~any~~ a child, willfully causes or permits the person or health of
2 that child to be injured, or willfully causes or permits that child to
3 be placed in a situation where his or her person or health is
4 endangered, shall be punished by imprisonment in a county jail
5 not exceeding one year, or in the state prison for two, four, or six
6 years.

7 (b) ~~Any~~ A person who, under circumstances or conditions other
8 than those likely to produce great bodily harm or death, willfully
9 causes or permits ~~any~~ a child to suffer, or inflicts thereon
10 unjustifiable physical pain or mental suffering, or having the care
11 or custody of ~~any~~ a child, willfully causes or permits the person
12 or health of that child to be injured, or willfully causes or permits
13 that child to be placed in a situation where his or her person or
14 health may be endangered, is guilty of a misdemeanor.

15 (c) If a person is convicted of violating this section and probation
16 is granted, the court shall require the following minimum
17 conditions of probation:

18 (1) A mandatory minimum period of probation of 48 months.

19 (2) A criminal court protective order protecting the victim from
20 further acts of violence or threats, and, if appropriate, residence
21 exclusion or stay-away conditions.

22 (3) (A) Successful completion of no less than one year of a
23 child abuser's treatment counseling program approved by the
24 probation department. The defendant shall be ordered to begin
25 participation in the program immediately upon the grant of
26 probation. The counseling program shall meet the criteria specified
27 in Section 273.1. The defendant shall produce documentation of
28 program enrollment to the court within 30 days of enrollment,
29 along with quarterly progress reports.

30 (B) The terms of probation for offenders shall not be lifted until
31 all reasonable fees due to the counseling program have been paid
32 in full, but in no case shall probation be extended beyond the term
33 provided in subdivision (a) of Section 1203.1. If the court finds
34 that the defendant does not have the ability to pay the fees based
35 on the defendant's changed circumstances, the court may reduce
36 or waive the fees.

37 (4) If the offense was committed while the defendant was under
38 the influence of drugs or alcohol, the defendant shall abstain from
39 the use of drugs or alcohol during the period of probation and shall
40 be subject to random drug testing by his or her probation officer.

1 (5) The court may waive any of the above minimum conditions
2 of probation upon a finding that the condition would not be in the
3 best interests of justice. The court shall state on the record its
4 reasons for ~~any~~ *the* waiver.

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