

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 32

Introduced by Assembly Member Waldron
(Coauthors: Assembly Members Chávez, Jones)
(Coauthor: Senator Allen)

December 1, 2014

An act to amend Sections 502 and 803 of the Penal Code, relating to computer crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 32, as amended, Waldron. Computer crimes.

Existing law establishes various crimes relating to computer services and systems, including to knowingly and without permission disrupt or cause the disruption of computer services including government computer services or public safety infrastructure computer system computer services, add, alter, damage, delete, or destroy any computer data, software, or program, introduce a computer contaminant, use the Internet domain name or profile of another. Existing law makes a violation of these provisions punishable by specified fines or terms of imprisonment, or by both those fines and imprisonment. Existing law establishes the time ~~limitations~~ *limitation* during which a criminal complaint *for a violation of these provisions* may be filed.

~~This bill would make the commission of any of those crimes that involves acquiring, copying, or distributing a digital image of a person that displays an intimate body part, as defined, of the person additionally punishable by a fine not exceeding \$10,000 per each digital image acquired, copied, or distributed. The bill would, notwithstanding any of those other time limitations, permit a criminal complaint alleging a~~

violation described in the bill to be filed within one year of the date on which that violation was discovered.

This bill would increase the fine for a misdemeanor violation of those crimes from a fine not exceeding \$5,000 to a fine not exceeding \$10,000. The bill would toll, until discovery of the offense, the time for filing a criminal complaint for a violation of those provisions when it is alleged that the defendant acquired, copied, or distributed a digital image of an intimate body part, as defined, of a person.

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 502 of the Penal Code is amended to
2 read:

3 502. (a) It is the intent of the Legislature in enacting this
4 section to expand the degree of protection afforded to individuals,
5 businesses, and governmental agencies from tampering,
6 interference, damage, and unauthorized access to lawfully created
7 computer data and computer systems. The Legislature finds and
8 declares that the proliferation of computer technology has resulted
9 in a concomitant proliferation of computer crime and other forms
10 of unauthorized access to computers, computer systems, and
11 computer data.

12 The Legislature further finds and declares that protection of the
13 integrity of all types and forms of lawfully created computers,
14 computer systems, and computer data is vital to the protection of
15 the privacy of individuals as well as to the well-being of financial
16 institutions, business concerns, governmental agencies, and others
17 within this state that lawfully utilize those computers, computer
18 systems, and data.

19 (b) For the purposes of this section, the following terms have
20 the following meanings:

21 (1) "Access" means to gain entry to, instruct, cause input to,
22 cause output from, cause data processing with, or communicate
23 with, the logical, arithmetical, or memory function resources of a
24 computer, computer system, or computer network.

25 (2) "Computer network" means any system that provides
26 communications between one or more computer systems and
27 input/output devices *devices*, including, but not limited to, display

1 terminals, remote systems, mobile devices, and printers connected
2 by telecommunication facilities.

3 (3) “Computer program or software” means a set of instructions
4 or statements, and related data, that when executed in actual or
5 modified form, cause a computer, computer system, or computer
6 network to perform specified functions.

7 (4) “Computer services” includes, but is not limited to, computer
8 time, data processing, or storage functions, Internet services,
9 electronic mail services, electronic message services, or other uses
10 of a computer, computer system, or computer network.

11 (5) “Computer system” means a device or collection of devices,
12 including support devices and excluding calculators that are not
13 programmable and capable of being used in conjunction with
14 external files, one or more of which contain computer programs,
15 electronic instructions, input data, and output data, that performs
16 ~~functions~~ *functions*, including, but not limited to, logic, arithmetic,
17 data storage and retrieval, communication, and control.

18 (6) “Government computer system” means any computer system,
19 or part thereof, that is owned, operated, or used by any federal,
20 state, or local governmental entity.

21 (7) “Public safety infrastructure computer system” means any
22 computer system, or part thereof, that is necessary for the health
23 and safety of the public including computer systems owned,
24 operated, or used by drinking water and wastewater treatment
25 facilities, hospitals, emergency service providers,
26 telecommunication companies, and gas and electric utility
27 companies.

28 (8) “Data” means a representation of information, knowledge,
29 facts, concepts, computer software, computer programs or
30 instructions. Data may be in any form, in storage media, or as
31 stored in the memory of the computer or in transit or presented on
32 a display device.

33 (9) “Supporting documentation” includes, but is not limited to,
34 all information, in any form, pertaining to the design, construction,
35 classification, implementation, use, or modification of a computer,
36 computer system, computer network, computer program, or
37 computer software, which information is not generally available
38 to the public and is necessary for the operation of a computer,
39 computer system, computer network, computer program, or
40 computer software.

1 (10) “Injury” means any alteration, deletion, damage, or
2 destruction of a computer system, computer network, computer
3 program, or data caused by the access, or the denial of access to
4 legitimate users of a computer system, network, or program.

5 (11) “Victim expenditure” means any expenditure reasonably
6 and necessarily incurred by the owner or lessee to verify that a
7 computer system, computer network, computer program, or data
8 was or was not altered, deleted, damaged, or destroyed by the
9 access.

10 (12) “Computer contaminant” means any set of computer
11 instructions that are designed to modify, damage, destroy, record,
12 or transmit information within a computer, computer system, or
13 computer network without the intent or permission of the owner
14 of the information. They include, but are not limited to, a group
15 of computer instructions commonly called viruses or worms, that
16 are self-replicating or self-propagating and are designed to
17 contaminate other computer programs or computer data, consume
18 computer resources, modify, destroy, record, or transmit data, or
19 in some other fashion usurp the normal operation of the computer,
20 computer system, or computer network.

21 (13) “Internet domain name” means a globally unique,
22 hierarchical reference to an Internet host or service, assigned
23 through centralized Internet naming authorities, comprising a series
24 of character strings separated by periods, with the rightmost
25 character string specifying the top of the hierarchy.

26 (14) “Electronic mail” means an electronic message or computer
27 file that is transmitted between two or more telecommunications
28 devices; computers; computer networks, regardless of whether the
29 network is a local, regional, or global network; or electronic devices
30 capable ~~of~~ of receiving electronic messages, regardless of whether
31 the message is converted to hard copy format after receipt, viewed
32 upon transmission, or stored for later retrieval.

33 (15) “Profile” means either of the following:

34 (A) A configuration of user data required by a computer so that
35 the user may access programs or services and have the desired
36 functionality on that computer.

37 (B) An Internet Web site user’s personal page or section of a
38 page that is made up of data, in text ~~of~~ or graphical form, that
39 displays significant, unique, or identifying information, including,

1 but not limited to, listing acquaintances, interests, associations,
2 activities, or personal statements.

3 (c) Except as provided in subdivision (h), any person who
4 commits any of the following acts is guilty of a public offense:

5 (1) Knowingly accesses and without permission alters, damages,
6 deletes, destroys, or otherwise uses any data, computer, computer
7 system, or computer network in order to either (A) devise or
8 execute any scheme or artifice to defraud, deceive, or extort, or
9 (B) wrongfully control or obtain money, property, or data.

10 (2) Knowingly accesses and without permission takes, copies,
11 or makes use of any data from a computer, computer system, or
12 computer network, or takes or copies any supporting
13 documentation, whether existing or residing internal or external
14 to a computer, computer system, or computer network.

15 (3) Knowingly and without permission uses or causes to be used
16 computer services.

17 (4) Knowingly accesses and without permission adds, alters,
18 damages, deletes, or destroys any data, computer software, or
19 computer programs which reside or exist internal or external to a
20 computer, computer system, or computer network.

21 (5) Knowingly and without permission disrupts or causes the
22 disruption of computer services or denies or causes the denial of
23 computer services to an authorized user of a computer, computer
24 system, or computer network.

25 (6) Knowingly and without permission provides or assists in
26 providing a means of accessing a computer, computer system, or
27 computer network in violation of this section.

28 (7) Knowingly and without permission accesses or causes to be
29 accessed any computer, computer system, or computer network.

30 (8) Knowingly introduces any computer contaminant into any
31 computer, computer system, or computer network.

32 (9) Knowingly and without permission uses the Internet domain
33 name or profile of another individual, corporation, or entity in
34 connection with the sending of one or more electronic mail
35 messages or posts and thereby damages or causes damage to a
36 computer, computer data, computer system, or computer network.

37 (10) Knowingly and without permission disrupts or causes the
38 disruption of government computer services or denies or causes
39 the denial of government computer services to an authorized user
40 of a government computer, computer system, or computer network.

1 (11) Knowingly accesses and without permission adds, alters,
2 damages, deletes, or destroys any data, computer software, or
3 computer programs which reside or exist internal or external to a
4 public safety infrastructure computer system computer, computer
5 system, or computer network.

6 (12) Knowingly and without permission disrupts or causes the
7 disruption of public safety infrastructure computer system computer
8 services or denies or causes the denial of computer services to an
9 authorized user of a public safety infrastructure computer system
10 computer, computer system, or computer network.

11 (13) Knowingly and without permission provides or assists in
12 providing a means of accessing a computer, computer system, or
13 public safety infrastructure computer system computer, computer
14 system, or computer network in violation of this section.

15 (14) Knowingly introduces any computer contaminant into any
16 public safety infrastructure computer system computer, computer
17 system, or computer network.

18 (d) (1) Any person who violates any of the provisions of
19 paragraph (1), (2), (4), (5), (10), (11), or (12) of subdivision (c) is
20 punishable by a fine not exceeding ten thousand dollars (\$10,000),
21 or by imprisonment pursuant to subdivision (h) of Section 1170
22 for 16 months, or two or three years, or by both that fine and
23 imprisonment, or by a fine not exceeding ~~five thousand dollars~~
24 ~~(\$5,000)~~, *ten thousand dollars (\$10,000)*, or by imprisonment in
25 a county jail not exceeding one year, or by both that fine and
26 imprisonment.

27 (2) Any person who violates paragraph (3) of subdivision (c)
28 is punishable as follows:

29 (A) For the first violation that does not result in injury, and
30 where the value of the computer services used does not exceed
31 nine hundred fifty dollars (\$950), by a fine not exceeding ~~five~~
32 ~~thousand dollars (\$5,000)~~, *ten thousand dollars (\$10,000)*, or by
33 imprisonment in a county jail not exceeding one year, or by both
34 that fine and imprisonment.

35 (B) For any violation that results in a victim expenditure in an
36 amount greater than five thousand dollars (\$5,000) or in an injury,
37 or if the value of the computer services used exceeds nine hundred
38 fifty dollars (\$950), or for any second or subsequent violation, by
39 a fine not exceeding ten thousand dollars (\$10,000), or by
40 imprisonment pursuant to subdivision (h) of Section 1170 for 16

1 months, or two or three years, or by both that fine and
2 imprisonment, or by a fine not exceeding ~~five thousand dollars~~
3 ~~(\$5,000)~~, *ten thousand dollars (\$10,000)*, or by imprisonment in
4 a county jail not exceeding one year, or by both that fine and
5 imprisonment.

6 (3) Any person who violates paragraph (6), (7), or (13) of
7 subdivision (c) is punishable as follows:

8 (A) For a first violation that does not result in injury, an
9 infraction punishable by a fine not exceeding one thousand dollars
10 (\$1,000).

11 (B) For any violation that results in a victim expenditure in an
12 amount not greater than five thousand dollars (\$5,000), or for a
13 second or subsequent violation, by a fine not exceeding ~~five~~
14 ~~thousand dollars (\$5,000)~~, *ten thousand dollars (\$10,000)*, or by
15 imprisonment in a county jail not exceeding one year, or by both
16 that fine and imprisonment.

17 (C) For any violation that results in a victim expenditure in an
18 amount greater than five thousand dollars (\$5,000), by a fine not
19 exceeding ten thousand dollars (\$10,000), or by imprisonment
20 pursuant to subdivision (h) of Section 1170 for 16 months, or two
21 or three years, or by both that fine and imprisonment, or by a fine
22 not exceeding ~~five thousand dollars (\$5,000)~~, *ten thousand dollars*
23 *(\$10,000)*, or by imprisonment in a county jail not exceeding one
24 year, or by both that fine and imprisonment.

25 (4) Any person who violates paragraph (8) or (14) of subdivision
26 (c) is punishable as follows:

27 (A) For a first violation that does not result in injury, a
28 misdemeanor punishable by a fine not exceeding ~~five thousand~~
29 ~~dollars (\$5,000)~~, *ten thousand dollars (\$10,000)*, or by
30 imprisonment in a county jail not exceeding one year, or by both
31 that fine and imprisonment.

32 (B) For any violation that results in injury, or for a second or
33 subsequent violation, by a fine not exceeding ten thousand dollars
34 (\$10,000), or by imprisonment in a county jail not exceeding one
35 year, or by imprisonment pursuant to subdivision (h) of Section
36 1170, or by both that fine and imprisonment.

37 (5) Any person who violates paragraph (9) of subdivision (c)
38 is punishable as follows:

1 (A) For a first violation that does not result in injury, an
2 infraction punishable by a fine not exceeding one thousand dollars
3 (\$1,000).

4 (B) For any violation that results in injury, or for a second or
5 subsequent violation, by a fine not exceeding ~~five thousand dollars~~
6 ~~(\$5,000)~~, *ten thousand dollars (\$10,000)*, or by imprisonment in
7 a county jail not exceeding one year, or by both that fine and
8 imprisonment.

9 (e) (1) In addition to any other civil remedy available, the owner
10 or lessee of the computer, computer system, computer network,
11 computer program, or data who suffers damage or loss by reason
12 of a violation of any of the provisions of subdivision (c) may bring
13 a civil action against the violator for compensatory damages and
14 injunctive relief or other equitable relief. Compensatory damages
15 shall include any expenditure reasonably and necessarily incurred
16 by the owner or lessee to verify that a computer system, computer
17 network, computer program, or data was or was not altered,
18 damaged, or deleted by the access. For the purposes of actions
19 authorized by this subdivision, the conduct of an unemancipated
20 minor shall be imputed to the parent or legal guardian having
21 control or custody of the minor, pursuant to the provisions of
22 Section 1714.1 of the Civil Code.

23 (2) In any action brought pursuant to this subdivision the court
24 may award reasonable attorney's fees.

25 (3) A community college, state university, or academic
26 institution accredited in this state is required to include
27 computer-related crimes as a specific violation of college or
28 university student conduct policies and regulations that may subject
29 a student to disciplinary sanctions up to and including dismissal
30 from the academic institution. This paragraph shall not apply to
31 the University of California unless the Board of Regents adopts a
32 resolution to that effect.

33 (4) In any action brought pursuant to this subdivision for a
34 willful violation of the provisions of subdivision (c), where it is
35 proved by clear and convincing evidence that a defendant has been
36 guilty of oppression, fraud, or malice as defined in subdivision (c)
37 of Section 3294 of the Civil Code, the court may additionally award
38 punitive or exemplary damages.

1 (5) No action may be brought pursuant to this subdivision unless
2 it is initiated within three years of the date of the act complained
3 of, or the date of the discovery of the damage, whichever is later.

4 (f) This section shall not be construed to preclude the
5 applicability of any other provision of the criminal law of this state
6 which applies or may apply to any transaction, nor shall it make
7 illegal any employee labor relations activities that are within the
8 scope and protection of state or federal labor laws.

9 (g) Any computer, computer system, computer network, or any
10 software or data, owned by the defendant, that is used during the
11 commission of any public offense described in subdivision (c) or
12 any computer, owned by the defendant, which is used as a
13 repository for the storage of software or data illegally obtained in
14 violation of subdivision (c) shall be subject to forfeiture, as
15 specified in Section 502.01.

16 (h) (1) Subdivision (c) does not apply to punish any acts which
17 are committed by a person within the scope of his or her lawful
18 employment. For purposes of this section, a person acts within the
19 scope of his or her employment when he or she performs acts
20 which are reasonably necessary to the performance of his or her
21 work assignment.

22 (2) Paragraph (3) of subdivision (c) does not apply to penalize
23 any acts committed by a person acting outside of his or her lawful
24 employment, provided that the employee's activities do not cause
25 an injury, to the employer or another, or provided that the value
26 of supplies or computer services which are used does not exceed
27 an accumulated total of two hundred fifty dollars (\$250).

28 (i) No activity exempted from prosecution under paragraph (2)
29 of subdivision (h) which incidentally violates paragraph (2), (4),
30 or (7) of subdivision (c) shall be prosecuted under those paragraphs.

31 (j) For purposes of bringing a civil or a criminal action under
32 this section, a person who causes, by any means, the access of a
33 computer, computer system, or computer network in one
34 jurisdiction from another jurisdiction is deemed to have personally
35 accessed the computer, computer system, or computer network in
36 each jurisdiction.

37 (k) In determining the terms and conditions applicable to a
38 person convicted of a violation of this section the court shall
39 consider the following:

1 (1) The court shall consider prohibitions on access to and use
2 of computers.

3 (2) Except as otherwise required by law, the court shall consider
4 alternate sentencing, including community service, if the defendant
5 shows remorse and recognition of the wrongdoing, and an
6 inclination not to repeat the offense.

7 ~~(f) (1) A person who commits a violation of this section that~~
8 ~~involves acquiring, copying, or distributing one or more digital~~
9 ~~images of a person that displays an intimate body part of the person~~
10 ~~is subject to a fine not exceeding ten thousand dollars (\$10,000)~~
11 ~~per each image acquired, copied, or distributed.~~

12 ~~(2) A fine imposed pursuant to this subdivision is in addition~~
13 ~~to any other penalty or punishment provided for conduct that~~
14 ~~violates this subdivision.~~

15 ~~(3) A fine pursuant to this subdivision may be imposed only~~
16 ~~pursuant to an action brought by a district attorney.~~

17 ~~(4) As used in this subdivision, “intimate body part” means any~~
18 ~~portion of the genitals, the anus, and in the case of a female also~~
19 ~~includes any portion of the breasts below the top of the areola, that~~
20 ~~is either uncovered or clearly visible through clothing.~~

21 SEC. 2. Section 803 of the Penal Code is amended to read:

22 803. (a) Except as provided in this section, a limitation of time
23 prescribed in this chapter is not tolled or extended for any reason.

24 (b) No time during which prosecution of the same person for
25 the same conduct is pending in a court of this state is a part of a
26 limitation of time prescribed in this chapter.

27 (c) A limitation of time prescribed in this chapter does not
28 commence to run until the discovery of an offense described in
29 this subdivision. This subdivision applies to an offense punishable
30 by imprisonment in the state prison or imprisonment pursuant to
31 subdivision (h) of Section 1170, a material element of which is
32 fraud or breach of a fiduciary obligation, the commission of the
33 crimes of theft or embezzlement upon an elder or dependent adult,
34 or the basis of which is misconduct in office by a public officer,
35 employee, or appointee, including, but not limited to, the following
36 offenses:

37 (1) Grand theft of any type, forgery, falsification of public
38 records, or acceptance of a bribe by a public official or a public
39 employee.

40 (2) A violation of Section 72, 118, 118a, 132, 134, or 186.10.

1 (3) A violation of Section 25540, of any type, or Section 25541
2 of the Corporations Code.

3 (4) A violation of Section 1090 or 27443 of the Government
4 Code.

5 (5) Felony welfare fraud or Medi-Cal fraud in violation of
6 Section 11483 or 14107 of the Welfare and Institutions Code.

7 (6) Felony insurance fraud in violation of Section 548 or 550
8 of this code or *former Section 1871.1*, or Section 1871.4 of the
9 Insurance Code.

10 (7) A violation of Section 580, 581, 582, 583, or 584 of the
11 Business and Professions Code.

12 (8) A violation of Section 22430 of the Business and Professions
13 Code.

14 (9) A violation of Section 103800 of the Health and Safety
15 Code.

16 (10) A violation of Section 529a.

17 (11) A violation of subdivision (d) or (e) of Section 368.

18 (d) If the defendant is out of the state when or after the offense
19 is committed, the prosecution may be commenced as provided in
20 Section 804 within the limitations of time prescribed by this
21 chapter, and no time up to a maximum of three years during which
22 the defendant is not within the state shall be a part of those
23 limitations.

24 (e) A limitation of time prescribed in this chapter does not
25 commence to run until the offense has been discovered, or could
26 have reasonably been discovered, with regard to offenses under
27 Division 7 (commencing with Section 13000) of the Water Code,
28 under Chapter 6.5 (commencing with Section 25100) of, Chapter
29 6.7 (commencing with Section 25280) of, or Chapter 6.8
30 (commencing with Section 25300) of, Division 20 of, or Part 4
31 (commencing with Section 41500) of Division 26 of, the Health
32 and Safety Code, or under Section 386, or offenses under Chapter
33 5 (commencing with Section 2000) of Division 2 of, Chapter 9
34 (commencing with Section 4000) of Division 2 of, Section 6126
35 of, Chapter 10 (commencing with Section 7301) of Division 3 of,
36 or Chapter 19.5 (commencing with Section 22440) of Division 8
37 of, the Business and Professions Code.

38 (f) (1) Notwithstanding any other limitation of time described
39 in this chapter, a criminal complaint may be filed within one year
40 of the date of a report to a California law enforcement agency by

1 a person of any age alleging that he or she, while under the age of
2 18 years, was the victim of a crime described in Section 261, 286,
3 288, 288a, 288.5, or ~~289~~, or *Section 289.5 as enacted by*
4 *Chapter 293 of the Statutes of 1991 relating to penetration by an*
5 *unknown object.*

6 (2) This subdivision applies only if all of the following occur:

7 (A) The limitation period specified in Section 800, 801, or 801.1,
8 whichever is later, has expired.

9 (B) The crime involved substantial sexual conduct, as described
10 in subdivision (b) of Section 1203.066, excluding masturbation
11 that is not mutual.

12 (C) There is independent evidence that corroborates the victim's
13 allegation. If the victim was 21 years of age or older at the time
14 of the report, the independent evidence shall clearly and
15 convincingly corroborate the victim's allegation.

16 (3) No evidence may be used to corroborate the victim's
17 allegation that otherwise would be inadmissible during trial.
18 Independent evidence does not include the opinions of mental
19 health professionals.

20 (4) (A) In a criminal investigation involving any of the crimes
21 listed in paragraph (1) committed against a child, when the
22 applicable limitations period has not expired, that period shall be
23 tolled from the time a party initiates litigation challenging a grand
24 jury subpoena until the end of the litigation, including any
25 associated writ or appellate proceeding, or until the final disclosure
26 of evidence to the investigating or prosecuting agency, if that
27 disclosure is ordered pursuant to the subpoena after the litigation.

28 (B) Nothing in this subdivision affects the definition or
29 applicability of any evidentiary privilege.

30 (C) This subdivision shall not apply where a court finds that the
31 grand jury subpoena was issued or caused to be issued in bad faith.

32 (g) (1) Notwithstanding any other limitation of time described
33 in this chapter, a criminal complaint may be filed within one year
34 of the date on which the identity of the suspect is conclusively
35 established by DNA testing, if both of the following conditions
36 are met:

37 (A) The crime is one that is described in subdivision (c) of
38 Section 290.

39 (B) The offense was committed prior to January 1, 2001, and
40 biological evidence collected in connection with the offense is

1 analyzed for DNA type no later than January 1, 2004, or the offense
2 was committed on or after January 1, 2001, and biological evidence
3 collected in connection with the offense is analyzed for DNA type
4 no later than two years from the date of the offense.

5 (2) For purposes of this section, “DNA” means deoxyribonucleic
6 acid.

7 (h) For any crime, the proof of which depends substantially
8 upon evidence that was seized under a warrant, but which is
9 unavailable to the prosecuting authority under the procedures
10 described in *People v. Superior Court (Laff)* (2001) 25 Cal.4th
11 703, *People v. Superior Court (Bauman & Rose)* (1995) 37
12 Cal.App.4th 1757, or subdivision (c) of Section 1524, relating to
13 claims of evidentiary privilege or attorney work product, the
14 limitation of time prescribed in this chapter shall be tolled from
15 the time of the seizure until final disclosure of the evidence to the
16 prosecuting authority. Nothing in this section otherwise affects
17 the definition or applicability of any evidentiary privilege or
18 attorney work product.

19 (i) Notwithstanding any other limitation of time described in
20 this chapter, a criminal complaint may be filed within one year of
21 the date on which a hidden recording is discovered related to a
22 violation of paragraph (2) or (3) of subdivision (j) of Section 647.

23 (j) Notwithstanding any other limitation of time described in
24 this chapter, if a person flees the scene of an accident that caused
25 death or permanent, serious injury, as defined in subdivision (d)
26 of Section 20001 of the Vehicle Code, a criminal complaint brought
27 pursuant to paragraph (2) of subdivision (b) of Section 20001 of
28 the Vehicle Code may be filed within the applicable time period
29 described in Section 801 or 802 or one year after the person is
30 initially identified by law enforcement as a suspect in the
31 commission of the offense, whichever is later, but in no case later
32 than six years after the commission of the offense.

33 ~~(k) Notwithstanding any other limitation of time described in
34 this chapter, a criminal complaint alleging a violation described
35 in subdivision (l) of Section 502 may be filed within one year of
36 the date on which the alleged violation is discovered.~~

37 *(k) (1) A limitation of time prescribed in this chapter for an
38 offense described in subdivision (c) of Section 502 for which it is
39 alleged the defendant acquired, copied, or distributed one or more
40 digital images of a person that displays an intimate body part of*

1 *the person shall not commence to run until the discovery of the*
2 *offense.*

3 *(2) As used in this subdivision, “intimate body part” means any*
4 *portion of the genitals, the anus, and in the case of a female also*
5 *includes any portion of the breasts below the top of the areola,*
6 *that is either uncovered or clearly visible through clothing.*

7 *(3) As used in this subdivision, “digital images of a person” do*
8 *not include representational images, artwork, or cartoon drawings.*