

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 545**

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**Introduced by Assembly Member Melendez**

February 23, 2015

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An act to amend Section 243 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 545, as amended, Melendez. Domestic violence.

Under existing law, a battery committed against a spouse, a person with whom the defendant is cohabitating, a person who is the parent of the defendant's child, a former spouse, a fiancé or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, is punishable by a fine not exceeding \$2,000, or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, existing law requires the defendant to complete a batterer's treatment program. If probation is granted in the case of a person who has previously been convicted of a violation of these provisions, existing law requires that the person be imprisoned for not less than 48 hours.

This bill would additionally require a person who has a previous conviction for willfully inflicting corporal injury resulting in a traumatic condition upon a spouse or former spouse, cohabitant or former cohabitant, fiancé or ~~fiancée~~, *fiancée*, or someone with whom the offender has, or previously had, an engagement or dating relationship,

or the mother or father of the offender’s child to be imprisoned for not less than 48 hours if probation is granted for the subsequent offense. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

*This bill would incorporate additional changes to Section 243 of the Penal Code proposed by AB 172 that would become operative if this bill and AB 172 are both enacted and this bill is enacted last.*

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 of the Penal Code is amended to  
2 read:  
3 243. (a) A battery is punishable by a fine not exceeding two  
4 thousand dollars (\$2,000), or by imprisonment in a county jail not  
5 exceeding six months, or by both that fine and imprisonment.  
6 (b) When a battery is committed against the person of a peace  
7 officer, custodial officer, firefighter, emergency medical technician,  
8 lifeguard, security officer, custody assistant, process server, traffic  
9 officer, code enforcement officer, animal control officer, or search  
10 and rescue member engaged in the performance of his or her duties,  
11 whether on or off duty, including when the peace officer is in a  
12 police uniform and is concurrently performing the duties required  
13 of him or her as a peace officer while also employed in a private  
14 capacity as a part-time or casual private security guard or  
15 patrolman, or a nonsworn employee of a probation department  
16 engaged in the performance of his or her duties, whether on or off  
17 duty, or a physician or nurse engaged in rendering emergency  
18 medical care outside a hospital, clinic, or other health care facility,  
19 and the person committing the offense knows or reasonably should  
20 know that the victim is a peace officer, custodial officer, firefighter,  
21 emergency medical technician, lifeguard, security officer, custody  
22 assistant, process server, traffic officer, code enforcement officer,  
23 animal control officer, or search and rescue member engaged in

1 the performance of his or her duties, nonsworn employee of a  
2 probation department, or a physician or nurse engaged in rendering  
3 emergency medical care, the battery is punishable by a fine not  
4 exceeding two thousand dollars (\$2,000), or by imprisonment in  
5 a county jail not exceeding one year, or by both that fine and  
6 imprisonment.

7 (c) (1) When a battery is committed against a custodial officer,  
8 firefighter, emergency medical technician, lifeguard, process server,  
9 traffic officer, or animal control officer engaged in the performance  
10 of his or her duties, whether on or off duty, or a nonsworn  
11 employee of a probation department engaged in the performance  
12 of his or her duties, whether on or off duty, or a physician or nurse  
13 engaged in rendering emergency medical care outside a hospital,  
14 clinic, or other health care facility, and the person committing the  
15 offense knows or reasonably should know that the victim is a  
16 nonsworn employee of a probation department, custodial officer,  
17 firefighter, emergency medical technician, lifeguard, process server,  
18 traffic officer, or animal control officer engaged in the performance  
19 of his or her duties, or a physician or nurse engaged in rendering  
20 emergency medical care, and an injury is inflicted on that victim,  
21 the battery is punishable by a fine of not more than two thousand  
22 dollars (\$2,000), by imprisonment in a county jail not exceeding  
23 one year, or by both that fine and imprisonment, or by  
24 imprisonment pursuant to subdivision (h) of Section 1170 for 16  
25 months, or two or three years.

26 (2) When the battery specified in paragraph (1) is committed  
27 against a peace officer engaged in the performance of his or her  
28 duties, whether on or off duty, including when the peace officer  
29 is in a police uniform and is concurrently performing the duties  
30 required of him or her as a peace officer while also employed in  
31 a private capacity as a part-time or casual private security guard  
32 or patrolman and the person committing the offense knows or  
33 reasonably should know that the victim is a peace officer engaged  
34 in the performance of his or her duties, the battery is punishable  
35 by a fine of not more than ten thousand dollars (\$10,000), or by  
36 imprisonment in a county jail not exceeding one year or pursuant  
37 to subdivision (h) of Section 1170 for 16 months, or two or three  
38 years, or by both that fine and imprisonment.

39 (d) When a battery is committed against any person and serious  
40 bodily injury is inflicted on the person, the battery is punishable

1 by imprisonment in a county jail not exceeding one year or  
2 imprisonment pursuant to subdivision (h) of Section 1170 for two,  
3 three, or four years.

4 (e) (1) When a battery is committed against a spouse, a person  
5 with whom the defendant is cohabiting, a person who is the parent  
6 of the defendant's child, former spouse, fiancé, or fiancée, or a  
7 person with whom the defendant currently has, or has previously  
8 had, a dating or engagement relationship, the battery is punishable  
9 by a fine not exceeding two thousand dollars (\$2,000), or by  
10 imprisonment in a county jail for a period of not more than one  
11 year, or by both that fine and imprisonment. If probation is granted,  
12 or the execution or imposition of the sentence is suspended, it shall  
13 be a condition thereof that the defendant participate in, for no less  
14 than one year, and successfully complete, a batterer's treatment  
15 program, as described in Section 1203.097, or if none is available,  
16 another appropriate counseling program designated by the court.  
17 However, this provision shall not be construed as requiring a city,  
18 a county, or a city and county to provide a new program or higher  
19 level of service as contemplated by Section 6 of Article XIII B of  
20 the California Constitution.

21 (2) Upon conviction of a violation of this subdivision, if  
22 probation is granted, the conditions of probation may include, in  
23 lieu of a fine, one or both of the following requirements:

24 (A) That the defendant make payments to a battered women's  
25 shelter, up to a maximum of five thousand dollars (\$5,000).

26 (B) That the defendant reimburse the victim for reasonable costs  
27 of counseling and other reasonable expenses that the court finds  
28 are the direct result of the defendant's offense.

29 For any order to pay a fine, make payments to a battered  
30 women's shelter, or pay restitution as a condition of probation  
31 under this subdivision, the court shall make a determination of the  
32 defendant's ability to pay. In no event shall any order to make  
33 payments to a battered women's shelter be made if it would impair  
34 the ability of the defendant to pay direct restitution to the victim  
35 or court-ordered child support. If the injury to a married person is  
36 caused in whole or in part by the criminal acts of his or her spouse  
37 in violation of this section, the community property shall not be  
38 used to discharge the liability of the offending spouse for restitution  
39 to the injured spouse, required by Section 1203.04, as operative  
40 on or before August 2, 1995, or Section 1202.4, or to a shelter for

1 costs with regard to the injured spouse and dependents, required  
2 by this section, until all separate property of the offending spouse  
3 is exhausted.

4 (3) Upon conviction of a violation of this subdivision, if  
5 probation is granted or the execution or imposition of the sentence  
6 is suspended and the person has been previously convicted of a  
7 violation of this subdivision or Section 273.5, the person shall be  
8 imprisoned for not less than 48 hours in addition to the conditions  
9 in paragraph (1). However, the court, upon a showing of good  
10 cause, may elect not to impose the mandatory minimum  
11 imprisonment as required by this subdivision and may, under these  
12 circumstances, grant probation or order the suspension of the  
13 execution or imposition of the sentence.

14 (4) The Legislature finds and declares that these specified crimes  
15 merit special consideration when imposing a sentence so as to  
16 display society's condemnation for these crimes of violence upon  
17 victims with whom a close relationship has been formed.

18 (5) If a peace officer makes an arrest for a violation of paragraph  
19 (1) of subdivision (e) of this section, the peace officer is not  
20 required to inform the victim of his or her right to make a citizen's  
21 arrest pursuant to subdivision (b) of Section 836.

22 (f) As used in this section:

23 (1) "Peace officer" means any person defined in Chapter 4.5  
24 (commencing with Section 830) of Title 3 of Part 2.

25 (2) "Emergency medical technician" means a person who is  
26 either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses  
27 a valid certificate or license in accordance with the standards of  
28 Division 2.5 (commencing with Section 1797) of the Health and  
29 Safety Code.

30 (3) "Nurse" means a person who meets the standards of Division  
31 2.5 (commencing with Section 1797) of the Health and Safety  
32 Code.

33 (4) "Serious bodily injury" means a serious impairment of  
34 physical condition, including, but not limited to, the following:  
35 loss of consciousness; concussion; bone fracture; protracted loss  
36 or impairment of function of any bodily member or organ; a wound  
37 requiring extensive suturing; and serious disfigurement.

38 (5) "Injury" means any physical injury which requires  
39 professional medical treatment.

1 (6) “Custodial officer” means any person who has the  
2 responsibilities and duties described in Section 831 and who is  
3 employed by a law enforcement agency of any city or county or  
4 who performs those duties as a volunteer.

5 (7) “Lifeguard” means a person defined in paragraph (5) of  
6 subdivision (d) of Section 241.

7 (8) “Traffic officer” means any person employed by a city,  
8 county, or city and county to monitor and enforce state laws and  
9 local ordinances relating to parking and the operation of vehicles.

10 (9) “Animal control officer” means any person employed by a  
11 city, county, or city and county for purposes of enforcing animal  
12 control laws or regulations.

13 (10) “Dating relationship” means frequent, intimate associations  
14 primarily characterized by the expectation of affectional or sexual  
15 involvement independent of financial considerations.

16 (11) (A) “Code enforcement officer” means any person who  
17 is not described in Chapter 4.5 (commencing with Section 830) of  
18 Title 3 of Part 2 and who is employed by any governmental  
19 subdivision, public or quasi-public corporation, public agency,  
20 public service corporation, any town, city, county, or municipal  
21 corporation, whether incorporated or chartered, who has  
22 enforcement authority for health, safety, and welfare requirements,  
23 and whose duties include enforcement of any statute, rules,  
24 regulations, or standards, and who is authorized to issue citations,  
25 or file formal complaints.

26 (B) “Code enforcement officer” also includes any person who  
27 is employed by the Department of Housing and Community  
28 Development who has enforcement authority for health, safety,  
29 and welfare requirements pursuant to the Employee Housing Act  
30 (Part 1 (commencing with Section 17000) of Division 13 of the  
31 Health and Safety Code); the State Housing Law (Part 1.5  
32 (commencing with Section 17910) of Division 13 of the Health  
33 and Safety Code); the Manufactured Housing Act of 1980 (Part 2  
34 (commencing with Section 18000) of Division 13 of the Health  
35 and Safety Code); the Mobilehome Parks Act (Part 2.1  
36 (commencing with Section 18200) of Division 13 of the Health  
37 and Safety Code); and the Special Occupancy Parks Act (Part 2.3  
38 (commencing with Section 18860) of Division 13 of the Health  
39 and Safety Code).

1 (12) “Custody assistant” means any person who has the  
2 responsibilities and duties described in Section 831.7 and who is  
3 employed by a law enforcement agency of any city, county, or city  
4 and county.

5 (13) “Search and rescue member” means any person who is part  
6 of an organized search and rescue team managed by a government  
7 agency.

8 (14) “Security officer” means any person who has the  
9 responsibilities and duties described in Section 831.4 and who is  
10 employed by a law enforcement agency of any city, county, or city  
11 and county.

12 (g) It is the intent of the Legislature by amendments to this  
13 section at the 1981–82 and 1983–84 Regular Sessions to abrogate  
14 the holdings in cases such as *People v. Corey*, 21 Cal. 3d 738, and  
15 *Cervantez v. J.C. Penney Co.*, 24 Cal. 3d 579, and to reinstate prior  
16 judicial interpretations of this section as they relate to criminal  
17 sanctions for battery on peace officers who are employed, on a  
18 part-time or casual basis, while wearing a police uniform as private  
19 security guards or patrolmen and to allow the exercise of peace  
20 officer powers concurrently with that employment.

21 *SEC. 1.5. Section 243 of the Penal Code is amended to read:*

22 243. (a) A battery is punishable by a fine not exceeding two  
23 thousand dollars (\$2,000), or by imprisonment in a county jail not  
24 exceeding six months, or by both that fine and imprisonment.

25 (b) When a battery is committed against the person of a peace  
26 officer, custodial officer, firefighter, emergency medical technician,  
27 lifeguard, security officer, custody assistant, process server, traffic  
28 officer, code enforcement officer, animal control officer, or search  
29 and rescue member engaged in the performance of his or her duties,  
30 whether on or off duty, including when the peace officer is in a  
31 police uniform and is concurrently performing the duties required  
32 of him or her as a peace officer while also employed in a private  
33 capacity as a part-time or casual private security guard or  
34 patrolman, or a nonsworn employee of a probation department  
35 engaged in the performance of his or her duties, whether on or off  
36 duty, or a physician or nurse engaged in rendering emergency  
37 medical care outside a hospital, clinic, or other health care facility,  
38 *or a physician, nurse, or other health care worker of a hospital*  
39 *engaged in providing services within the emergency department,*  
40 and the person committing the offense knows or reasonably should

1 know that the victim is a peace officer, custodial officer, firefighter,  
2 emergency medical technician, lifeguard, security officer, custody  
3 assistant, process server, traffic officer, code enforcement officer,  
4 animal control officer, or search and rescue member engaged in  
5 the performance of his or her duties, nonsworn employee of a  
6 probation department, or a physician or nurse engaged in rendering  
7 emergency medical care, *or a physician, nurse, or other health*  
8 *care worker of a hospital engaged in providing services within the*  
9 *emergency department*, the battery is punishable by a fine not  
10 exceeding two thousand dollars (\$2,000), or by imprisonment in  
11 a county jail not exceeding one year, or by both that fine and  
12 imprisonment.

13 (c) (1) When a battery is committed against a custodial officer,  
14 firefighter, emergency medical technician, lifeguard, process server,  
15 traffic officer, or animal control officer engaged in the performance  
16 of his or her duties, whether on or off duty, or a nonsworn  
17 employee of a probation department engaged in the performance  
18 of his or her duties, whether on or off duty, or a physician or nurse  
19 engaged in rendering emergency medical care outside a hospital,  
20 clinic, or other health care facility, and the person committing the  
21 offense knows or reasonably should know that the victim is a  
22 nonsworn employee of a probation department, custodial officer,  
23 firefighter, emergency medical technician, lifeguard, process server,  
24 traffic officer, or animal control officer engaged in the performance  
25 of his or her duties, or a physician or nurse engaged in rendering  
26 emergency medical ~~care~~, *care* and an injury is inflicted on that  
27 victim, the battery is punishable by a fine of not more than two  
28 thousand dollars (\$2,000), by imprisonment in a county jail not  
29 exceeding one year, or by both that fine and imprisonment, or by  
30 imprisonment pursuant to subdivision (h) of Section 1170 for 16  
31 months, or two or three years.

32 (2) When the battery specified in paragraph (1) is committed  
33 against a peace officer engaged in the performance of his or her  
34 duties, whether on or off duty, including when the peace officer  
35 is in a police uniform and is concurrently performing the duties  
36 required of him or her as a peace officer while also employed in  
37 a private capacity as a part-time or casual private security guard  
38 or patrolman and the person committing the offense knows or  
39 reasonably should know that the victim is a peace officer engaged  
40 in the performance of his or her duties, the battery is punishable

1 by a fine of not more than ten thousand dollars (\$10,000), or by  
2 imprisonment in a county jail not exceeding one year or pursuant  
3 to subdivision (h) of Section 1170 for 16 months, or two or three  
4 years, or by both that fine and imprisonment.

5 (d) When a battery is committed against any person and serious  
6 bodily injury is inflicted on the person, the battery is punishable  
7 by imprisonment in a county jail not exceeding one year or  
8 imprisonment pursuant to subdivision (h) of Section 1170 for two,  
9 three, or four years.

10 (e) (1) When a battery is committed against a spouse, a person  
11 with whom the defendant is cohabiting, a person who is the parent  
12 of the defendant's child, former spouse, fiancé, or fiancée, or a  
13 person with whom the defendant currently has, or has previously  
14 had, a dating or engagement relationship, the battery is punishable  
15 by a fine not exceeding two thousand dollars (\$2,000), or by  
16 imprisonment in a county jail for a period of not more than one  
17 year, or by both that fine and imprisonment. If probation is granted,  
18 or the execution or imposition of the sentence is suspended, it shall  
19 be a condition thereof that the defendant participate in, for no less  
20 than one year, and successfully complete, a batterer's treatment  
21 program, as described in Section 1203.097, or if none is available,  
22 another appropriate counseling program designated by the court.  
23 However, this provision shall not be construed as requiring a city,  
24 a county, or a city and county to provide a new program or higher  
25 level of service as contemplated by Section 6 of Article XIII B of  
26 the California Constitution.

27 (2) Upon conviction of a violation of this subdivision, if  
28 probation is granted, the conditions of probation may include, in  
29 lieu of a fine, one or both of the following requirements:

30 (A) That the defendant make payments to a battered women's  
31 shelter, up to a maximum of five thousand dollars (\$5,000).

32 (B) That the defendant reimburse the victim for reasonable costs  
33 of counseling and other reasonable expenses that the court finds  
34 are the direct result of the defendant's offense.

35 For any order to pay a fine, make payments to a battered  
36 women's shelter, or pay restitution as a condition of probation  
37 under this subdivision, the court shall make a determination of the  
38 defendant's ability to pay. In no event shall any order to make  
39 payments to a battered women's shelter be made if it would impair  
40 the ability of the defendant to pay direct restitution to the victim

1 or court-ordered child support. If the injury to a married person is  
 2 caused in whole or in part by the criminal acts of his or her spouse  
 3 in violation of this section, the community property shall not be  
 4 used to discharge the liability of the offending spouse for restitution  
 5 to the injured spouse, required by Section 1203.04, as operative  
 6 on or before August 2, 1995, or Section 1202.4, or to a shelter for  
 7 costs with regard to the injured spouse and dependents, required  
 8 by this section, until all separate property of the offending spouse  
 9 is exhausted.

10 (3) Upon conviction of a violation of this subdivision, if  
 11 probation is granted or the execution or imposition of the sentence  
 12 is suspended and the person has been previously convicted of a  
 13 violation of this subdivision ~~and sentenced under paragraph (1);~~  
 14 ~~or Section 273.5~~, the person shall be imprisoned for not less than  
 15 48 hours in addition to the conditions in paragraph (1). However,  
 16 the court, upon a showing of good cause, may elect not to impose  
 17 the mandatory minimum imprisonment as required by this  
 18 subdivision and may, under these circumstances, grant probation  
 19 or order the suspension of the execution or imposition of the  
 20 sentence.

21 (4) The Legislature finds and declares that these specified crimes  
 22 merit special consideration when imposing a sentence so as to  
 23 display society’s condemnation for these crimes of violence upon  
 24 victims with whom a close relationship has been formed.

25 (5) If a peace officer makes an arrest for a violation of paragraph  
 26 ~~(1) of subdivision (e) of this section;~~ (1), the peace officer is not  
 27 required to inform the victim of his or her right to make a citizen’s  
 28 arrest pursuant to subdivision (b) of Section 836.

29 (f) As used in this section:

30 (1) “Peace officer” means any person defined in Chapter 4.5  
 31 (commencing with Section 830) of Title 3 of Part 2.

32 (2) “Emergency medical technician” means a person who is  
 33 either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses  
 34 a valid certificate or license in accordance with the standards of  
 35 Division 2.5 (commencing with Section 1797) of the Health and  
 36 Safety Code.

37 (3) “Nurse” means a person who meets the standards of Division  
 38 2.5 (commencing with Section 1797) of the Health and Safety  
 39 ~~Code. Code or a nurse of a hospital engaged in providing services~~  
 40 *within the emergency department.*

1 (4) “Serious bodily injury” means a serious impairment of  
2 physical condition, including, but not limited to, the following:  
3 loss of consciousness; concussion; bone fracture; protracted loss  
4 or impairment of function of any bodily member or organ; a wound  
5 requiring extensive suturing; and serious disfigurement.

6 (5) “Injury” means any physical injury which requires  
7 professional medical treatment.

8 (6) “Custodial officer” means any person who has the  
9 responsibilities and duties described in Section 831 and who is  
10 employed by a law enforcement agency of any city or county or  
11 who performs those duties as a volunteer.

12 (7) “Lifeguard” means a person defined in paragraph (5) of  
13 subdivision (d) of Section 241.

14 (8) “Traffic officer” means any person employed by a city,  
15 county, or city and county to monitor and enforce state laws and  
16 local ordinances relating to parking and the operation of vehicles.

17 (9) “Animal control officer” means any person employed by a  
18 city, county, or city and county for purposes of enforcing animal  
19 control laws or regulations.

20 (10) “Dating relationship” means frequent, intimate associations  
21 primarily characterized by the expectation of affectional or sexual  
22 involvement independent of financial considerations.

23 (11) (A) “Code enforcement officer” means any person who  
24 is not described in Chapter 4.5 (commencing with Section 830) of  
25 Title 3 of Part 2 and who is employed by any governmental  
26 subdivision, public or quasi-public corporation, public agency,  
27 public service corporation, any town, city, county, or municipal  
28 corporation, whether incorporated or chartered, who has  
29 enforcement authority for health, safety, and welfare requirements,  
30 and whose duties include enforcement of any statute, rules,  
31 regulations, or standards, and who is authorized to issue citations,  
32 or file formal complaints.

33 (B) “Code enforcement officer” also includes any person who  
34 is employed by the Department of Housing and Community  
35 Development who has enforcement authority for health, safety,  
36 and welfare requirements pursuant to the Employee Housing Act  
37 (Part 1 (commencing with Section 17000) of Division 13 of the  
38 Health and Safety Code); the State Housing Law (Part 1.5  
39 (commencing with Section 17910) of Division 13 of the Health  
40 and Safety Code); the Manufactured Housing Act of 1980 (Part 2

1 (commencing with Section 18000) of Division 13 of the Health  
2 and Safety Code); the Mobilehome Parks Act (Part 2.1  
3 (commencing with Section 18200) of Division 13 of the Health  
4 and Safety Code); and the Special Occupancy Parks Act (Part 2.3  
5 (commencing with Section 18860) of Division 13 of the Health  
6 and Safety Code).

7 (12) “Custody assistant” means any person who has the  
8 responsibilities and duties described in Section 831.7 and who is  
9 employed by a law enforcement agency of any city, county, or city  
10 and county.

11 (13) “Search and rescue member” means any person who is part  
12 of an organized search and rescue team managed by a government  
13 agency.

14 (14) “Security officer” means any person who has the  
15 responsibilities and duties described in Section 831.4 and who is  
16 employed by a law enforcement agency of any city, county, or city  
17 and county.

18 (15) “*Health care worker*” means a person who, in the course  
19 and scope of employment or as a volunteer, performs duties directly  
20 associated with the care and treatment rendered by the hospital’s  
21 emergency department or the security thereof.

22 (g) It is the intent of the Legislature by amendments to this  
23 section at the 1981–82 and 1983–84 Regular Sessions to abrogate  
24 the holdings in cases such as *People v. Corey*, 21 ~~Cal.3d~~ *Cal.3d*  
25 738, and *Cervantez v. J.C. Penney Co.*, 24 ~~Cal.3d~~ *Cal.3d* 579, and  
26 to reinstate prior judicial interpretations of this section as they  
27 relate to criminal sanctions for battery on peace officers who are  
28 employed, on a part-time or casual basis, while wearing a police  
29 uniform as private security guards or patrolmen and to allow the  
30 exercise of peace officer powers concurrently with that  
31 employment.

32 *SEC. 2. Section 1.5 of this bill incorporates amendments to*  
33 *Section 243 of the Penal Code proposed by both this bill and*  
34 *Assembly Bill 172. It shall only become operative if (1) both bills*  
35 *are enacted and become effective on or before January 1, 2016,*  
36 *(2) each bill amends Section 243 of the Penal Code, and (3) this*  
37 *bill is enacted after Assembly Bill 172, in which case Section 1 of*  
38 *this bill shall not become operative.*

1     ~~SEC. 2.~~

2     *SEC. 3.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution because  
4 the only costs that may be incurred by a local agency or school  
5 district will be incurred because this act creates a new crime or  
6 infraction, eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section 17556 of  
8 the Government Code, or changes the definition of a crime within  
9 the meaning of Section 6 of Article XIII B of the California  
10 Constitution.

O