

**ASSEMBLY BILL**

**No. 2327**

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**Introduced by Assembly Member Cooley**

February 18, 2016

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An act to amend Section 288.3 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2327, as introduced, Cooley. Contacting or communicating with a minor.

Existing law, as added by Proposition 83 of the November 7, 2006, statewide general election, makes it a crime for a person to contact or communicate with a minor, or attempt to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with intent to commit a specified offense involving the minor, including, among other offenses, kidnaping and rape. Proposition 83 provides that the Legislature may amend the provisions of the act to expand the scope of their application or increase the punishment or penalties by a statute passed by a majority vote of each house of the Legislature.

This bill would additionally make it a crime to contact or communicate with a minor, or attempt to contact or communicate with a minor, as specified, with the intent to commit human trafficking of, or unlawful sexual intercourse with, the minor. By expanding the definition of a crime, the 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 288.3 of the Penal Code is amended to  
2 read:

3 288.3. (a) ~~Every~~ A person who contacts or communicates with  
4 a minor, or attempts to contact or communicate with a minor, who  
5 knows or reasonably should know that the person is a minor, with  
6 intent to commit an offense specified in *subdivision (c) of Section*  
7 *236.1* or Section 207, 209, 261, 261.5, 264.1, 273a, 286, 288, 288a,  
8 288.2, 289, 311.1, 311.2, 311.4 or 311.11 involving the minor shall  
9 be punished by imprisonment in the state prison for the term  
10 prescribed for an attempt to commit the intended offense.

11 (b) As used in this section, “contacts or communicates with”  
12 shall include direct and indirect contact or communication that  
13 may be achieved personally or by use of an agent or agency, any  
14 print medium, any postal service, a common carrier or  
15 communication common carrier, any electronic communications  
16 system, or any telecommunications, wire, computer, or radio  
17 communications device or system.

18 (c) A person convicted of a violation of subdivision (a) who has  
19 previously been convicted of a violation of subdivision (a) shall  
20 be punished by an additional and consecutive term of imprisonment  
21 in the state prison for five years.

22 SEC. 2. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.