

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2327

Introduced by Assembly Member Cooley

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2327, as amended, 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,~~ of 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) A person who contacts or communicates with a
4 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.

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