

AMENDED IN ASSEMBLY MARCH 20, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 461

Introduced by Assembly Member Rogan

February 16, 1995

An act to add Section 836.1 to the Penal Code, relating to assault and battery.

LEGISLATIVE COUNSEL'S DIGEST

AB 461, as amended, Rogan. Assault and battery.

Existing law makes assault and battery, as defined, misdemeanors. If committed against a peace officer, custodial officer, firefighter, emergency medical technician, mobile intensive care paramedic, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, assault or battery may be punished more severely. Existing law also authorizes a peace officer to arrest a person without a warrant whom the officer has reasonable cause to believe has committed a public offense in the officer's presence, who has committed a felony although not in the officer's presence, or whom the officer has reasonable cause to believe has committed a felony whether or not a felony has been committed.

This bill would further authorize a peace officer to arrest a person without a warrant ~~who~~ *whenever the peace officer has reasonable cause to believe the person* has committed assault or battery against any of the above persons although not in the

officer's presence, ~~or whom the officer has reasonable cause to believe has committed the assault or battery~~ and whether or not ~~it~~ *the assault or battery* has been committed.

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 836.1 is added to the Penal Code,
2 to read:

3 836.1. When a person commits an assault or battery
4 against the person of a peace officer, custodial officer,
5 firefighter, emergency medical technician, mobile
6 intensive care paramedic, process server, traffic officer,
7 or animal control officer engaged in the performance of
8 his or her duties in violation of subdivision (b) of Section
9 241, Section 241.1, or subdivision (b) of Section 243, a
10 peace officer may, without a warrant, arrest the person
11 who commits the assault or battery:

12 (a) Whenever ~~the person~~ *peace officer has reasonable*
13 *cause to believe that the person to be arrested has*
14 *committed the assault or battery, although* ~~not~~ *the assault*
15 *or battery was not committed* in the peace officer's
16 presence.

17 (b) Whenever the peace officer has reasonable cause
18 to believe that the person to be arrested has committed
19 the assault or battery, whether or not ~~it~~ *the assault or*
20 *battery* has in fact been committed.

