

## Assembly Bill No. 461

### CHAPTER 52

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

[Approved by Governor June 30, 1995. Filed with  
Secretary of State July 3, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 461, Rogan. Assault and battery.

Existing law makes assault and battery, as defined, misdemeanors. If committed against, among others, a firefighter, emergency medical technician, or mobile intensive care paramedic 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 whenever the peace officer has reasonable cause to believe the person has committed assault or battery against any of the above persons while those persons are on duty although not in the officer's presence and whether or not the assault or battery has been committed.

*The people of the State of California do enact as follows:*

SECTION 1. Section 836.1 is added to the Penal Code, to read:

836.1. When a person commits an assault or battery against the person of a firefighter, emergency medical technician, or mobile intensive care paramedic while that person is on duty engaged in the performance of his or her duties in violation of subdivision (b) of Section 241 or subdivision (b) of Section 243, a peace officer may, without a warrant, arrest the person who commits the assault or battery:

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



(b) Whenever the peace officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not the assault or battery has in fact been committed.

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