

AMENDED IN SENATE JULY 18, 1995  
AMENDED IN ASSEMBLY APRIL 25, 1995  
AMENDED IN ASSEMBLY MARCH 30, 1995

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1012**

**Introduced by Assembly Member Machado**  
(Coauthor: Senator Johnston)

February 23, 1995

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An act to amend Section 626 of, and to add Sections 221-, 243.55, 245.4, and 268 to, the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1012, as amended, Machado. Crimes against pupils.

~~(1) Under~~

*Under* existing law, a person who assaults another with intent to commit mayhem, rape, sodomy, oral copulation, or any of several other sex-related offenses, is punishable by imprisonment in the state prison for 2, 4, or 6 years.

This bill would increase that punishment by 1, 2, or 3 years if that crime is committed against a pupil currently attending school who is in a safe school zone, which the bill would define.

~~(2) Existing law provides that battery is punishable by a fine not exceeding \$2,000 or by imprisonment in a county jail not exceeding 6 months, or by both that fine and imprisonment. If the battery is committed against a school employee and injury is inflicted on the victim, the battery is punishable by imprisonment in a county jail for not more than~~

~~one year or by imprisonment in the state prison for 16 months, or 2 or 3 years.~~

~~This bill would provide that if a battery is committed against a pupil currently attending school who is in a safe school zone and injury is inflicted thereby, it is punishable by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison or under the jurisdiction of the Department of the Youth Authority for 28 months, or 3 or 4 years, or by a fine of not more than \$2,000, or by both that fine and imprisonment.~~

~~(3) Existing law provides that a person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury, is punishable by imprisonment in the state prison for 2, 3, or 4 years, or in a county jail for a term not to exceed one year, or by a fine, or by both that fine and imprisonment.~~

~~This bill would provide that a person who commits that crime on a victim that the perpetrator knows or reasonably should know is a pupil currently attending school who is in a safe school zone shall be punished by imprisonment in the state prison or under the jurisdiction of the Department of the Youth Authority for 3, 4, or 5 years.~~

~~This bill also would provide that a person who commits *the felony of* rape, unlawful sexual intercourse, rape in concert, procurement of a child under the age of 16 years for lewd and lascivious acts, or aggravated sexual assault on a victim that the perpetrator knows or reasonably should know is a pupil currently attending school who is in a safe school zone shall receive an additional term of 1, 2, or 3 years in the state prison or under the jurisdiction of the Department of the Youth Authority.~~

~~Because the bill would create new crimes, 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 no*.

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

1 SECTION 1. It is the intent of the Legislature that  
2 school districts develop cooperative and coordinated  
3 pupil safety programs for pupils while enroute to and  
4 from school and while on school grounds. The programs  
5 should educate pupils and adults about the benefits of  
6 pupil safety and the criminal penalties for unlawful  
7 behavior against pupils, and should be developed in  
8 conjunction with local law enforcement departments,  
9 juvenile justice agencies, and community organizations  
10 such as Neighborhood Watch.

11 SEC. 2. Section 221 is added to the Penal Code, to  
12 read:

13 221. A person who acts in violation of Section 220  
14 against a pupil currently attending school who is in a safe  
15 school zone, as defined in subdivision (c) of Section 626,  
16 shall receive an additional term of one, two, or three years  
17 in the state prison.

18 ~~SEC. 3. Section 243.55 is added to the Penal Code, to~~  
19 ~~read:~~

20 ~~243.55. A person who commits a battery against, and~~  
21 ~~thereby inflicts injury on, a pupil currently attending~~  
22 ~~school who is in a safe school zone, as defined in~~  
23 ~~subdivision (c) of Section 626, shall be punished by~~  
24 ~~imprisonment in a county jail for not more than one year,~~  
25 ~~or by imprisonment in the state prison or under the~~  
26 ~~jurisdiction of the Department of the Youth Authority for~~  
27 ~~28 months, or three or four years, or by a fine of not more~~  
28 ~~than two thousand dollars (\$2,000), or by both that fine~~  
29 ~~and imprisonment.~~

30 ~~SEC. 4. Section 245.4 is added to the Penal Code, to~~  
31 ~~read:~~

32 ~~245.4. A person who acts in violation of paragraph (1)~~  
33 ~~of subdivision (a) of Section 245 and who knows or~~  
34 ~~reasonably should know that the victim is a pupil~~  
35 ~~currently attending school who is in a safe school zone, as~~



1 ~~defined in subdivision (c) of Section 626, shall be~~  
2 ~~punished by imprisonment in the state prison or under~~  
3 ~~the jurisdiction of the Department of the Youth Authority~~  
4 ~~for three, four, or five years.~~

5 ~~SEC. 5.~~

6 SEC. 3. Section 268 is added to the Penal Code, to  
7 read:

8 268. A person who commits ~~an~~ *a felony* in violation  
9 of Section 261, 261.5, 264.1, 266j, or 269 and who knows or  
10 reasonably should know that the victim is a pupil  
11 currently attending school who is in a safe school zone, as  
12 defined in subdivision (c) of Section 626, shall receive an  
13 additional term of one, two, or three years in the state  
14 ~~prison or under the jurisdiction of the Department of the~~  
15 ~~Youth Authority.~~

16 ~~SEC. 6. prison.~~

17 SEC. 4. Section 626 of the Penal Code is amended to  
18 read:

19 626. (a) As used in this chapter, the following  
20 definitions apply:

21 (1) "University" means the University of California,  
22 and includes any affiliated institution thereof and any  
23 campus or facility owned, operated, or controlled by the  
24 Regents of the University of California.

25 (2) "State university" means any California state  
26 university, and includes any campus or facility owned,  
27 operated, or controlled by the Trustees of the California  
28 State University.

29 (3) "Community college" means any public  
30 community college established pursuant to the  
31 Education Code.

32 (4) "School" means any elementary school, junior high  
33 school, four-year high school, senior high school, adult  
34 school or any branch thereof, opportunity school,  
35 continuation high school, regional occupational center,  
36 evening high school, or technical school or any public  
37 right-of-way situated immediately adjacent to school  
38 property or any other place if a teacher and one or more  
39 pupils are required to be at that place in connection with  
40 assigned school activities.



1 (5) “Chief administrative officer” means either of the  
2 following:

3 (A) The president of the university or a state  
4 university, the Chancellor of the California State  
5 University, or the officer designated by the Regents of the  
6 University of California or pursuant to authority granted  
7 by the Regents of the University of California to  
8 administer and be the officer in charge of a campus or  
9 other facility owned, operated, or controlled by the  
10 Regents of the University of California, or the  
11 superintendent of a community college district.

12 (B) For a school, the principal of the school, a person  
13 who possesses a standard supervision credential or a  
14 standard administrative credential and who is designated  
15 by the principal, or a person who carries out the same  
16 functions as a person who possesses a credential and who  
17 is designated by the principal.

18 (b) For the purpose of determining the penalty to be  
19 imposed pursuant to this chapter, the court may consider  
20 a written report from the Department of Justice  
21 containing information from its records showing prior  
22 convictions; and—~~the~~ *that* communication is prima facie  
23 evidence of the convictions, if the defendant admits  
24 them, regardless of whether or not the complaint  
25 commencing the proceedings has alleged prior  
26 convictions.

27 (c) As used in this code, the following definitions  
28 apply:

29 (1) “Pupil currently attending school” means a pupil  
30 enrolled in a public school who has been in attendance or  
31 has had an excused absence, for purposes of attendance  
32 accounting, for a majority of the days for which the pupil  
33 has been enrolled in *that school during* the school year.

34 (2) “Safe school zone” means an area that  
35 encompasses any of the following places within 90  
36 minutes before or after the schoolday or 90 minutes  
37 before or after a school-sponsored activity at the  
38 schoolsite:

39 (A) Within 100 feet of a bus stop, whether or not a  
40 public transit bus stop, that has been publicly designated,



1 but not necessarily marked, by the school district as a  
2 schoolbus stop.

3 (B) Within 1,000 feet of a school, as designated by the  
4 school district, if that distance has been advertised in a  
5 newspaper of general circulation and parents have been  
6 notified of that distance.

7 ~~SEC. 7. No reimbursement is required by this act~~  
8 ~~pursuant to Section 6 of Article XIII B of the California~~  
9 ~~Constitution because the only costs that may be incurred~~  
10 ~~by a local agency or school district will be incurred~~  
11 ~~because this act creates a new crime or infraction,~~  
12 ~~eliminates a crime or infraction, or changes the penalty~~  
13 ~~for a crime or infraction, within the meaning of Section~~  
14 ~~17556 of the Government Code, or changes the definition~~  
15 ~~of a crime within the meaning of Section 6 of Article~~  
16 ~~XIII B of the California Constitution.~~

17 ~~Notwithstanding Section 17580 of the Government~~  
18 ~~Code, unless otherwise specified, the provisions of this act~~  
19 ~~shall become operative on the same date that the act~~  
20 ~~takes effect pursuant to the California Constitution.~~

