

AMENDED IN SENATE AUGUST 20, 1996

AMENDED IN SENATE JULY 9, 1996

AMENDED IN SENATE JUNE 17, 1996

AMENDED IN ASSEMBLY MAY 2, 1996

AMENDED IN ASSEMBLY APRIL 17, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3339

**Introduced by Assembly Member Hoge
(Coauthors: Assembly Members Baldwin, Boland, Margett,
and Miller)**

February 23, 1996

An act to repeal and add Section 645 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 3339, as amended, Hoge. Sex offenses: punishment: ~~chemical castration.~~

Existing law specifies the punishment for sex offenses where the victim is a child and provides that the court may direct an operation to be performed upon the offender for the prevention of procreation where the victim is a female under the age of 10 years.

This bill would repeal the latter provision and provide instead that any person guilty of a first conviction of specified sex offenses where the victim is under 13 years of age may be punished by medroxyprogesterone acetate treatment, upon

parole, in addition to any other punishment prescribed by law. The bill would require this punishment upon a 2nd conviction.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 645 of the Penal Code is
2 repealed.

3 SEC. 2. Section 645 is added to the Penal Code, to
4 read:

5 645. (a) Any person guilty of a first conviction of any
6 offense specified in subdivision (c), where the victim has
7 not attained 13 years of age, may, upon parole, undergo
8 medroxyprogesterone acetate treatment or its chemical
9 equivalent, in addition to any other punishment
10 prescribed for that offense or any other provision of law,
11 at the discretion of the court.

12 (b) Any person guilty of a second conviction of any
13 offense specified in subdivision (c), where the victim has
14 not attained 13 years of age, shall, upon parole, undergo
15 medroxyprogesterone acetate treatment or its chemical
16 equivalent, in addition to any other punishment
17 prescribed for that offense or any other provision of law.

18 (c) This section shall apply to the following offenses:

19 (1) Subdivision (c) or (d) of Section 286.

20 (2) Paragraph (1) of subdivision (b) of Section 288.

21 (3) Subdivision (b) or (d) of Section 288a.

22 (4) Subdivision (a) or (j) of Section 289.

23 (d) The parolee shall begin medroxyprogesterone
24 acetate treatment one week prior to his or her release
25 from confinement in the state prison or other institution
26 and shall continue treatments until the Department of
27 Corrections demonstrates to the Board of Prison Terms
28 that this treatment is no longer necessary.

29 (e) If a person voluntarily undergoes a permanent,
30 surgical alternative to hormonal chemical treatment for
31 sex offenders, he or she shall not be subject to this section.

32 (f) The Department of Corrections shall administer
33 this section and implement the protocols required by this



1 section. *Nothing in the protocols shall require an*
2 *employee of the Department of Corrections who is a*
3 *physician and surgeon licensed pursuant to Chapter 5*
4 *(commencing with Section 2000) of Division 2 of the*
5 *Business and Professions Code or the Osteopathic*
6 *Initiative Act to participate against his or her will in the*
7 *administration of the provisions of this section. These*
8 protocols shall include, but not be limited to, a
9 requirement to inform the person about the effect of
10 hormonal chemical treatment and any side effects that
11 may result from it. A person subject to this section shall
12 acknowledge the receipt of this information.

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