

AMENDED IN ASSEMBLY MARCH 13, 1997

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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 99

Introduced by Assembly Member Runner

January 8, 1997

An act to ~~add Section 652 to~~ amend, add, and repeal Section 19.8 of, and to add Section 652 to, the Penal Code, relating to body piercing.

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as amended, Runner. Body piercing.

Existing law makes it a misdemeanor to tattoo or offer to tattoo a person under the age of 18 years.

This bill would make it a misdemeanor, *until January 1, 2005, for any person, in any place of business where body piercing is offered as a service*, to perform or offer to perform body piercing, as defined, upon the nipple or genitals of a person under the age of 18 years, or to otherwise perform body piercing upon a person under the age of 18 years except in the presence of, or as directed by a notarized writing by, that person's parent or guardian. By creating a new crime, this 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 19.8 of the Penal Code is*
2 *amended to read:*

3 19.8. The following offenses are subject to subdivision
4 (d) of Section 17: Sections 193.8, 330, 415, 485, 555, 652, and
5 853.7, of this code; subdivision (m) of Section 602 of this
6 code; subdivision (b) of Section 25658 and Sections 21672,
7 25658.5, 25661, and 25662 of the Business and Professions
8 Code; subdivision (c) of Section 23109 and Sections 12500,
9 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code, and
10 any other offense which the Legislature makes subject to
11 subdivision (d) of Section 17. Except where a lesser
12 maximum fine is expressly provided for violation of any
13 of those sections, any violation which is an infraction is
14 punishable by a fine not exceeding two hundred fifty
15 dollars (\$250).

16 Except for the violations enumerated in subdivision
17 (d) of Section 13202.5 of the Vehicle Code, and Section
18 14601.1 of the Vehicle Code based upon failure to appear,
19 a conviction for any offense made an infraction under
20 subdivision (d) of Section 17 is not grounds for the
21 suspension, revocation, or denial of any license, or for the
22 revocation of probation or parole of the person convicted.

23 *This section shall remain in effect only until January 1,*
24 *2005, and as of that date is repealed, unless a later enacted*
25 *statute, that is enacted before January 1, 2005, deletes or*
26 *extends that date.*

27 SEC. 2. *Section 19.8 is added to the Penal Code, to*
28 *read:*

29 19.8. The following offenses are subject to subdivision
30 (d) of Section 17: Sections 193.8, 330, 415, 485, 555, and
31 853.7, of this code; subdivision (m) of Section 602 of this
32 code; subdivision (b) of Section 25658 and Sections 21672,
33 25658.5, 25661, and 25662 of the Business and Professions



1 Code; subdivision (c) of Section 23109 and Sections 12500,
2 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code, and
3 any other offense which the Legislature makes subject to
4 subdivision (d) of Section 17. Except where a lesser
5 maximum fine is expressly provided for violation of any
6 of those sections, any violation which is an infraction is
7 punishable by a fine not exceeding two hundred fifty
8 dollars (\$250).

9 Except for the violations enumerated in subdivision
10 (d) of Section 13202.5 of the Vehicle Code, and Section
11 14601.1 of the Vehicle Code based upon failure to appear,
12 a conviction for any offense made an infraction under
13 subdivision (d) of Section 17 is not grounds for the
14 suspension, revocation, or denial of any license, or for the
15 revocation of probation or parole of the person convicted.

16 This section shall become operative on January 1, 2005.

17 SEC. 3. Section 652 is added to the Penal Code, to
18 read:

19 ~~652. (a) Every person who performs or offers to~~

20 652. (a) It shall be a misdemeanor for any person, in
21 any place of business where body piercing is offered as a
22 service, to perform or offer to perform body piercing
23 upon the nipple or genitals of a person under the age of
24 18 years ~~is guilty of a misdemeanor.~~

25 ~~(b) Every person who performs or offers to perform~~

26 (b) It shall be a misdemeanor for any person, in any
27 place of business where body piercing is offered as a
28 service, to perform or offer to perform body piercing
29 upon a person under the age of 18 years, other than as
30 specified in subdivision (a), ~~is guilty of a misdemeanor,~~
31 unless the body piercing is performed in the presence of,
32 or as directed by a notarized writing by, the person's
33 parent or guardian.

34 (c) This section does not apply to the body piercing of
35 an emancipated minor.

36 (d) As used in this section, "body piercing" means the
37 creation of an opening in the body of a human being for
38 the purpose of inserting jewelry or other decoration. This
39 includes, but is not limited to, piercing of ~~an ear,~~ a lip,



1 tongue, nose, or eyebrow. *“Body piercing” does not*
2 *include the piercing of an ear.*

3 *(e) Neither the minor upon whom the body piercing*
4 *was performed, nor the parent or guardian of that minor,*
5 *shall be liable for punishment pursuant to Section 659 of*
6 *the Penal Code.*

7 *(f) Violation of this section is punishable by*
8 *imprisonment in the county jail not exceeding six months,*
9 *or by a fine not exceeding \$1,000, or by both that fine and*
10 *imprisonment. If the defendant has a prior conviction*
11 *under this section within seven years, the present*
12 *violation is punishable by imprisonment in the county jail*
13 *not exceeding six months, or by a fine not exceeding*
14 *\$2,000, or by both that fine and imprisonment.*

15 *(g) This section shall remain in effect only until*
16 *January 1, 2005, and as of that date is repealed, unless a*
17 *later enacted statute, that is enacted before January 1,*
18 *2005, deletes or extends that date.*

19 ~~SEC. 2.~~

20 *SEC. 4.* No reimbursement is required by this act
21 pursuant to Section 6 of Article XIII B of the California
22 Constitution because the only costs that may be incurred
23 by a local agency or school district will be incurred
24 because this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition
28 of a crime within the meaning of Section 6 of Article
29 XIII B of the California Constitution.

30 Notwithstanding Section 17580 of the Government
31 Code, unless otherwise specified, the provisions of this act
32 shall become operative on the same date that the act
33 takes effect pursuant to the California Constitution.

