

AMENDED IN ASSEMBLY APRIL 3, 1997

**SENATE BILL**

**No. 115**

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**Introduced by Senator Burton**

*(Principal coauthor: Assembly Member Alby)*

***(Coauthor: Senator Karnette)***

*(Coauthor: Assembly Member Knox)*

January 6, 1997

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An act to amend Section 1377 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 115, as amended, Burton. Criminal procedure: civil compromise.

Under existing law, when a person injured by an act constituting a misdemeanor has a remedy by a civil action, the offense may be compromised by the victim upon receiving compensation for the injury. Civil compromise is not allowed in cases of domestic violence when the defendant previously has civilly compromised a domestic violence offense within 7 years.

This bill would eliminate the condition on civil compromise in domestic violence cases, thereby prohibiting civil compromise in all domestic violence cases.

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 1377 of the Penal Code is  
2 amended to read:

3 1377. When a *the* person injured by an act  
4 constituting a misdemeanor has a remedy by a civil  
5 action, the offense may be compromised, as provided in  
6 Section 1378, except when it is committed as follows:

7 (a) By or upon an officer of justice, while in the  
8 execution of the duties of his or her office.

9 (b) Riotously.

10 (c) With an intent to commit a felony.

11 (d) In violation of any court order as described in  
12 Section 273.6.

13 (e) By or upon any family or household member, or  
14 upon any person, when the violation involves any person  
15 described in Section 6211 of the Family Code or  
16 subdivision (b) of Section 13700 of this code.

