

Introduced by Senator Rainey

February 20, 1998

An act to add Section 7.5 to the Penal Code, relating to interpretation of criminal provisions.

LEGISLATIVE COUNSEL'S DIGEST

SB 2061, as introduced, Rainey. Interpretation of criminal provisions.

Under existing law, with respect to the Penal Code, words and phrases must be construed according to the context and the approved usage of the language, except that technical words and phrases, and others that may have acquired a peculiar and appropriate meaning in law, must be construed according to that peculiar and appropriate meaning.

This bill would provide that whenever any offense is described in the Penal Code, the Uniform Controlled Substances Act, or the Welfare and Institutions Code, as criminal conduct and as a violation of a specified code section or a particular provision of a code section, in the case of any ambiguity or conflict in interpretation, the code section or particular provision of the code section shall take precedence over the descriptive language. The bill also would provide that descriptive language shall be deemed as being offered only for ease of reference unless it is otherwise clearly apparent from the context that the descriptive language is intended to narrow the application of the referenced code section or particular provision of the code section.

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 7.5 is added to the Penal Code,
2 to read:
3 7.5. Whenever any offense is described in this code,
4 the Uniform Controlled Substances Act (Division 10
5 (commencing with Section 11000) of the Health and
6 Safety Code), or the Welfare and Institutions Code, as
7 criminal conduct and as a violation of a specified code
8 section or a particular provision of a code section, in the
9 case of any ambiguity or conflict in interpretation, the
10 code section or particular provision of the code section
11 shall take precedence over the descriptive language. The
12 descriptive language shall be deemed as being offered
13 only for ease of reference unless it is otherwise clearly
14 apparent from the context that the descriptive language
15 is intended to narrow the application of the referenced
16 code section or particular provision of the code section.

