

Assembly Bill No. 1422

CHAPTER 477

An act to add Section 152.3 to the Penal Code, relating to reporting of crimes.

[Approved by Governor September 16, 2000. Filed with Secretary of State September 18, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1422, Torlakson. Reporting of crimes.

Existing law makes it a felony or a misdemeanor for any person who, having knowledge of the actual commission of a crime, takes money or property of another, any gratuity or reward, or any engagement or promise thereof, upon any agreement or understanding to compound or conceal the crime, or to abstain from any prosecution thereof, or to withhold any evidence thereof, except as specified.

This bill would require, with specified exceptions, any person who reasonably believes that he or she has observed the commission of either a murder or rape where the victim is a child under the age of 14 years or a lewd or lascivious act with a child under the age of 14 years, as specified, to notify a peace officer by telephone or any other means. The failure to notify as required would be a misdemeanor punishable by a fine of \$1,500, or by imprisonment in a county jail for up to 6 months, or both. 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.

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

SECTION 1. This act shall be known as, and may be cited as, the Sherrice Iverson Child Victim Protection Act.

SEC. 2. Section 152.3 is added to the Penal Code, to read:

152.3. (a) Any person who reasonably believes that he or she has observed the commission of any of the following offenses where the victim is a child under the age of 14 years shall notify a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2:

(1) Murder.



(2) Rape.

(3) A violation of paragraph (1) of subdivision (b) of Section 288 of the Penal Code.

(b) This section shall not be construed to affect privileged relationships as provided by law.

(c) The duty to notify a peace officer imposed pursuant to subdivision (a) is satisfied if the notification or an attempt to provide notice is made by telephone or any other means.

(d) Failure to notify as required pursuant to subdivision (a) is a misdemeanor and is punishable by a fine of not more than one thousand five hundred dollars (\$1,500), by imprisonment in a county jail for not more than six months, or by both that fine and imprisonment.

(e) The requirements of this section shall not apply to the following:

(1) A person who is related to either the victim or the offender, including a husband, wife, parent, child, brother, sister, grandparent, grandchild, or other person related by consanguinity or affinity.

(2) A person who fails to report based on a reasonable mistake of fact.

(3) A person who fails to report based on a reasonable fear for his or her own safety or for the safety of his or her family.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

