

AMENDED IN ASSEMBLY MARCH 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1869

Introduced by Assembly Member Dickerson

(Coauthors: Assembly Members Bates, Battin, Campbell, Cox, Cunneen, House, Leach, Robert Pacheco, Pescetti, and Zettel)

(Coauthors: Senators Johannessen, Johnson, and Monteith)

February 10, 2000

An act to amend Section 212.5 of the Penal Code, relating to robbery.

LEGISLATIVE COUNSEL'S DIGEST

AB 1869, as amended, Dickerson. Robbery: automated teller machine.

Under existing law, every robbery of any person while using an automated teller machine or immediately after the person has used an automated teller machine and is in the vicinity of the automated teller machine is first degree robbery and is punishable by imprisonment in the state prison for 3, 4, or 6 years.

This bill would include in this provision any robbery of a person while servicing, *as defined*, or in the vicinity after having serviced, an automated teller machine. By expanding the scope of an existing 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 212.5 of the Penal Code is
2 amended to read:

3 212.5. (a) Every robbery of any person who is
4 performing his or her duties as an operator of any bus,
5 taxicab, cable car, streetcar, trackless trolley, or other
6 vehicle, including a vehicle operated on stationary rails or
7 on a track or rail suspended in the air, and used for the
8 transportation of persons for hire, every robbery of any
9 passenger which is perpetrated on any of these vehicles,
10 and every robbery ~~which~~ *that* is perpetrated in an
11 inhabited dwelling house, a vessel as defined in Section 21
12 of the Harbors and Navigation Code which is inhabited
13 and designed for habitation, an inhabited floating home
14 as defined in subdivision (d) of Section 18075.55 of the
15 Health and Safety Code, a trailer coach as defined in the
16 Vehicle Code which is inhabited, or the inhabited portion
17 of any other building is robbery of the first degree.

18 (b) Every robbery of any person while using or
19 servicing an automated teller machine or immediately
20 after the person has used or serviced an automated teller
21 machine and is in the vicinity of the automated teller
22 machine is robbery of the first degree.

23 *For purposes of this subdivision, "servicing" includes*
24 *only the replenishing of an automated teller machine*
25 *with cash or performing repairs that require the*
26 *automated teller machine to be opened so that the cash*
27 *in the automated teller machine is exposed or accessible.*

28 (c) All kinds of robbery other than those listed in
29 subdivisions (a) and (b) are of the second degree.

30 SEC. 2. No reimbursement is required by this act
31 pursuant to Section 6 of Article XIII B of the California



1 Constitution because the only costs that may be incurred
2 by a local agency or school district will be incurred
3 because this act creates a new crime or infraction,
4 eliminates a crime or infraction, or changes the penalty
5 for a crime or infraction, within the meaning of Section
6 17556 of the Government Code, or changes the definition
7 of a crime within the meaning of Section 6 of Article
8 XIII B of the California Constitution.

O

