

ASSEMBLY BILL

No. 1899

Introduced by Assembly Member Havice

February 11, 2000

An act to amend Section 1768.8 of the Welfare and Institutions Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as introduced, Havice. Violence: assault and battery.

Existing law provides that an assault or battery by any person confined in an institution under the jurisdiction of the Department of the Youth Authority upon the person of any individual not confined in such an institution is punishable by a fine or by imprisonment not to exceed one year, or by both. Existing law also provides that an assault by a person confined in an institution under the jurisdiction of the department upon the person of any individual not confined therein, with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury, is a felony punishable by imprisonment for 2, 4, or 6 years.

This bill would also apply these punishment provisions to a ward of a juvenile court who commits these offenses while confined in specified local juvenile detention facilities. By expanding the scope of existing crimes, the 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 1768.8 of the Welfare and
2 Institutions Code is amended to read:

3 1768.8. (a) An assault or battery by any person
4 confined in an institution under the jurisdiction of the
5 Department of the Youth Authority *or in a juvenile hall,*
6 *camp, ranch, or other local juvenile hall detention facility*
7 upon the person of any individual who is not confined
8 therein shall be punishable by a fine not exceeding two
9 thousand dollars (\$2,000), or by imprisonment in the
10 county jail not exceeding one year, or by both a fine and
11 imprisonment.

12 (b) An assault by any person confined in an institution
13 under the jurisdiction of the Department of the Youth
14 Authority *or in a juvenile hall, camp, ranch, or other local*
15 *juvenile hall detention facility* upon the person of any
16 individual who is not confined therein, with a deadly
17 weapon or instrument, or by any means of force likely to
18 produce great bodily injury, is a felony punishable by
19 imprisonment in the state prison for two, four, or six years.

20 SEC. 2. 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.

O

