

Introduced by Senator Dunn

February 25, 1999

An act to amend Section ~~12001.6~~ 12022.75 of the Penal Code, relating to ~~firearms~~ sentencing.

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as amended, Dunn. ~~Firearms~~ Sentencing.

Existing law provides that any person who, for the purpose of committing a felony, administers by injection, inhalation, ingestion, or any other means, any controlled substance against the victim's will by means of force, violence, or fear of immediate and unlawful bodily injury to the victim or another person, shall, in addition and consecutive to the penalty provided for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of 3 years.

This bill would provide that any person who, for the purpose of committing specified sex offenses, administers by injection, inhalation, ingestion, or by any other means, or causes, instigates, or encourages a 3rd person to administer any intoxicant, anesthetic, or controlled substance to the victim or another person, surreptitiously, or by trick, fraud, or deceit, shall, in addition and consecutive to the penalty provided for the violation of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 3 years. By providing for these enhancements, 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.

~~Existing law specifies offenses that involve the violent use of a firearm.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

1 ~~SECTION 1. Section 12001.6 of the Penal Code is~~
2 *SECTION 1. Section 12022.75 of the Penal Code is*
3 *amended to read:*
4 12022.75. ~~Any~~ *(a) Except as specified in subdivision*
5 *(b), any person who, for the purpose of committing a*
6 *felony, administers by injection, inhalation, ingestion, or*
7 *any other means, any controlled substance listed in*
8 *Section 11054, 11055, 11056, 11057, or 11058 of the Health*
9 *and Safety Code, against the victim’s will by means of*
10 *force, violence, or fear of immediate and unlawful bodily*
11 *injury to the victim or another person, shall, in addition*
12 *and consecutive to the penalty provided for the felony or*
13 *attempted felony of which he or she has been convicted,*
14 *be punished by an additional term of three years.*
15 *(b) Any person who, for the purpose of violating*
16 *paragraph (3) of subdivision (a) of Section 261,*
17 *subdivision (i) of Section 286, subdivision (i) of Section*
18 *288a, or subdivision (e) of Section 289, administers by*
19 *injection, inhalation, ingestion, or by any other means, or*
20 *causes, instigates, or encourages a third person to*
21 *administer any intoxicant, anesthetic, or controlled*
22 *substance to the victim or another person, surreptitiously,*
23 *or by trick, fraud, or deceit, shall, in addition and*
24 *consecutive to the penalty provided for the violation of*
25 *which he or she has been convicted, be punished by an*



1 *additional term of imprisonment in the state prison for 3*
2 *years.*

3 *(c) Nothing in this section is intended to preclude*
4 *prosecution under any other provision of law.*

5 *SEC. 2. No reimbursement is required by this act*
6 *pursuant to Section 6 of Article XIII B of the California*
7 *Constitution because the only costs that may be incurred*
8 *by a local agency or school district will be incurred*
9 *because this act creates a new crime or infraction,*
10 *eliminates a crime or infraction, or changes the penalty*
11 *for a crime or infraction, within the meaning of Section*
12 *17556 of the Government Code, or changes the definition*
13 *of a crime within the meaning of Section 6 of Article*
14 *XIII B of the California Constitution.*

15 ~~amended to read:~~

16 ~~12001.6. For purposes of this chapter, an offense~~
17 ~~which involves the violent use of a firearm includes any~~
18 ~~of the following:~~

19 ~~(a) A violation of paragraph (2) or (3) of subdivision~~
20 ~~(a) of Section 245 or a violation of subdivision (c) of~~
21 ~~Section 245.~~

22 ~~(b) A violation of Section 246.~~

23 ~~(c) A violation of paragraph (2) of subdivision (a) of~~
24 ~~Section 417.~~

25 ~~(d) A violation of subdivision (c) of Section 417.~~

