

AMENDED IN SENATE JUNE 7, 2006

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1022

Introduced by Assembly Member ~~Walters~~ *Bogh*

February 22, 2005

An act to amend Section ~~273ab~~ *1001.64* of the Penal Code, relating to ~~murder~~ *bad checks*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, ~~Walters~~ *Bogh*. ~~Murder: assault on a child.~~ *Bad checks: diversion program.*

Existing law allows the establishment of a local preprosecution diversion program for persons accused of writing bad checks in order to compensate the victims and reduce criminal prosecutions. This program allows the district attorney to enter into a written agreement to defer prosecution for up to 6 months conditioned upon completion of a check writing education class, restitution to the victim, and payment of specified administrative fees. The district attorney retains the ability to prosecute after diversion.

This bill would require, in addition to completion, full payment for the classes before prosecution for bad check charges may be deferred.

~~Existing law provides that any person who, having the care or custody of a child who is under 8 years of age, assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life.~~

This bill would raise that age to 14 years. By expanding the scope of a crime, 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~~-no. State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. Section 1001.64 of the Penal Code is amended
2 to read:

3 1001.64. The district attorney may enter into a written
4 agreement with the person to forego prosecution on the bad
5 check for a period to be determined by the district attorney, not to
6 exceed six months, pending all of the following:

7 (a) Completion of *and full payment for* a class or classes
8 conducted by the district attorney or private entity under contract
9 with the district attorney.

10 (b) Full restitution being made to the victim of the bad check.

11 (c) Full payment of the ~~collection fee~~ *diversion fees*, if any,
12 specified in Section 1001.65.

13 SECTION 1. ~~Section 273ab of the Penal Code is amended to~~
14 read:

15 273ab. ~~Any person who, having the care or custody of a child~~
16 ~~who is under 14 years of age, assaults the child by means of force~~
17 ~~that to a reasonable person would be likely to produce great~~
18 ~~bodily injury, resulting in the child's death, shall be punished by~~
19 ~~imprisonment in the state prison for 25 years to life. Nothing in~~
20 ~~this section shall be construed as affecting the applicability of~~
21 ~~subdivision (a) of Section 187 or Section 189.~~

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

1 ~~17556 of the Government Code, or changes the definition of a~~
2 ~~crime within the meaning of Section 6 of Article XIII B of the~~
3 ~~California Constitution.~~

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