

**ASSEMBLY BILL**

**No. 2707**

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**Introduced by Assembly Member Keene**

February 24, 2006

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An act to amend Section 273a of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2707, as introduced, Keene. Crime: child abuse.

Existing law provides that it is a crime to willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully cause or permit the person or health of that child to be injured, or willfully cause or permit that child to be placed in a situation in which his or her person or health may be endangered.

This bill would make a technical, nonsubstantive change to these provisions.

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

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

1 SECTION 1. Section 273a of the Penal Code is amended to  
2 read:  
3 273a. (a) Any person who, under circumstances or conditions  
4 likely to produce great bodily harm or death, willfully causes or  
5 permits any child to suffer, or inflicts thereon unjustifiable  
6 physical pain or mental suffering, or having the care or custody  
7 of any child, willfully causes or permits the person or health of  
8 that child to be injured, or willfully causes or permits that child to  
9 be placed in a situation ~~where~~ *in which* his or her person or health

1 is endangered, shall be punished by imprisonment in a county jail  
2 not exceeding one year, or in the state prison for two, four, or six  
3 years.

4 (b) Any person who, under circumstances or conditions other  
5 than those likely to produce great bodily harm or death, willfully  
6 causes or permits any child to suffer, or inflicts thereon  
7 unjustifiable physical pain or mental suffering, or having the care  
8 or custody of any child, willfully causes or permits the person or  
9 health of that child to be injured, or willfully causes or permits  
10 that child to be placed in a situation ~~where~~ *in which* his or her  
11 person or health may be endangered, is guilty of a misdemeanor.

12 (c) If a person is convicted of violating this section and  
13 probation is granted, the court shall require the following  
14 minimum conditions of probation:

15 (1) A mandatory minimum period of probation of 48 months.

16 (2) A criminal court protective order protecting the victim  
17 from further acts of violence or threats, and, if appropriate,  
18 residence exclusion or stay-away conditions.

19 (3) (A) Successful completion of no less than one year of a  
20 child abuser’s treatment counseling program approved by the  
21 probation department. The defendant shall be ordered to begin  
22 participation in the program immediately upon the grant of  
23 probation. The counseling program shall meet the criteria  
24 specified in Section 273.1. The defendant shall produce  
25 documentation of program enrollment to the court within 30 days  
26 of enrollment, along with quarterly progress reports.

27 (B) The terms of probation for offenders shall not be lifted  
28 until all reasonable fees due to the counseling program have been  
29 paid in full, but in no case shall probation be extended beyond  
30 the term provided in subdivision (a) of Section 1203.1. If the  
31 court finds that the defendant does not have the ability to pay the  
32 fees based on the defendant’s changed circumstances, the court  
33 may reduce or waive the fees.

34 (4) If the offense was committed while the defendant was  
35 under the influence of drugs or alcohol, the defendant shall  
36 abstain from the use of drugs or alcohol during the period of  
37 probation and shall be subject to random drug testing by his or  
38 her probation officer.

39 (5) The court may waive any of the above minimum  
40 conditions of probation upon a finding that the condition would

- 1 not be in the best interests of justice. The court shall state on the
- 2 record its reasons for any waiver.

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