

AMENDED IN SENATE JUNE 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 561

Introduced by Assembly Member Carter

February 25, 2009

An act to amend Sections 241.5 and 243.65 of the Penal Code, relating to crimes against highway workers.

LEGISLATIVE COUNSEL'S DIGEST

AB 561, as amended, Carter. Highway workers: assault and battery.

Existing law establishes the offense of assault against a highway worker engaged in the performance of his or her duties, where "highway worker" is defined as an employee or contractor of the Department of Transportation engaged in specified activities related to state highways.

This bill would expand the definition of highway worker for that offense to include employees of a city, county, or city and county, *as well as employees of a contractor while working under contract with the Department of Transportation, contractors and employees of contractors while working under contract with a city, county, or city and county, and volunteers, as defined*, and to include additional specified activities related to local roads or streets.

~~By expanding the scope of an existing offense, this bill would impose a state-mandated local program.~~

Existing law establishes the offense of battery against a highway worker engaged in the performance of his or her duties, where "highway worker" is defined as an employee or contractor of the Department of Transportation engaged in specified activities related to state highways.

This bill would expand the definition of highway worker for that offense to include employees of a city, county, or city and county, *as*

well as employees of a contractor while working under contract with the Department of Transportation, contractors and employees of contractors while working under contract with a city, county, or city and county, and volunteers, as defined, and to include additional specified activities related to local roads or streets.

By expanding the scope of ~~an existing offense~~ offenses, 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 241.5 of the Penal Code is amended to
2 read:

3 241.5. (a) When an assault is committed against a highway
4 worker engaged in the performance of his or her duties and the
5 person committing the offense knows or reasonably should know
6 that the victim is a highway worker engaged in the performance
7 of his or her duties, the offense shall be punishable by a fine not
8 to exceed two thousand dollars (\$2,000) or by imprisonment in a
9 county jail up to one year or by both that fine and imprisonment.

10 (b) As used in this section, "highway worker" means an
11 employee of the Department of Transportation, a contractor *or*
12 *employee of a contractor* while working under contract with the
13 Department of Transportation, ~~or~~ an employee of a city, county,
14 or city and county, *a contractor or employee of a contractor while*
15 *working under contract with a city, county, or city and county, or*
16 *a volunteer as defined in Section 1720.4 of the Labor Code* who
17 does one or more of the following:

18 (1) Performs maintenance, repair, or construction of state
19 highway or local street or road infrastructures and associated
20 rights-of-way in highway or local street or road work zones.

21 (2) Operates equipment on state highway or local street or road
22 infrastructures and associated rights-of-way in highway or local
23 street or road work zones.

1 (3) Performs any related maintenance work, as required, on
2 state highway or local street or road infrastructures in highway or
3 local street or road work zones.

4 SEC. 2. Section 243.65 of the Penal Code is amended to read:

5 243.65. (a) When a battery is committed against the person
6 of a highway worker engaged in the performance of his or her
7 duties and the person committing the offense knows or reasonably
8 should know that the victim is a highway worker engaged in the
9 performance of his or her duties, the offense shall be punished by
10 a fine not exceeding two thousand dollars (\$2,000), or by
11 imprisonment in a county jail not exceeding one year, or by both
12 that fine and imprisonment.

13 (b) As used in this section, “highway worker” means an
14 employee of the Department of Transportation, a contractor *or*
15 *employee of a contractor* while working under contract with the
16 Department of Transportation, ~~or~~ an employee of a city, county,
17 or city and county, *a contractor or employee of a contractor while*
18 *working under contract with a city, county, or city and county, or*
19 *a volunteer as defined in Section 1720.4 of the Labor Code* who
20 does one or more of the following:

21 (1) Performs maintenance, repair, or construction of state
22 highway or local street or road infrastructures and associated
23 rights-of-way in highway or local street or road work zones.

24 (2) Operates equipment on state highway or local street or road
25 infrastructures and associated rights-of-way in highway or local
26 street or road work zones.

27 (3) Performs any related maintenance work, as required, on
28 state highway or local street or road infrastructures in highway or
29 local street or road work zones.

30 SEC. 3. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

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