

AMENDED IN SENATE APRIL 13, 2000

SENATE BILL

No. 2183

Introduced by Senator Soto

March 16, 2000

~~An act to amend Section 666.7 of, and to add Section 667.84 to, the Penal Code, relating to enhancements. An act relating to trauma intervention, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 2183, as amended, Soto. ~~Enhancements: violent felony in the presence of a minor~~ Trauma intervention.

Under existing law, the Office of Criminal Justice Planning (OCJP) funds, among other programs, various programs relating to victims services.

This bill would appropriate \$5,000,000 from the General Fund to OCJP for distribution to the UCLA Trauma Psychiatry Program for the purpose of operating over a period of 3 years an expanded version of a pilot program that currently provides trauma and grief intervention to students.

~~Existing law provides sentence enhancements for specified serious offenses, including felony offenses committed against a child under the age of 18 years.~~

~~This bill would create a sentence enhancement imposing an additional term of one, 2, or 3 years for a violent felony, as defined, that is committed in the immediate presence of, or is witnessed by, any child under the age of 16 years and would make related changes. By creating a new enhancement, 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~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.

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

1 ~~SECTION 1. Section 666.7 of the Penal Code is~~

2 ~~SECTION 1. The Legislature hereby finds and~~
3 ~~declares as follows:~~

4 ~~(a) The UCLA Trauma Psychiatry Program has a pilot~~
5 ~~program in one cluster consisting of one high school and~~
6 ~~two to four middle schools in northwest Pasadena that~~
7 ~~provides trauma and grief intervention.~~

8 ~~(b) The pilot program identifies youth that are in need~~
9 ~~of postviolence and postdisaster mental health services.~~

10 ~~Many of the students who participated in this program~~
11 ~~suffered severe and debilitating chronic Posttraumatic~~
12 ~~Stress Disorder and had lost their motivation for learning.~~

13 ~~(c) The pilot program has been successful in treating~~
14 ~~students for their trauma and also has helped to improve~~
15 ~~their school work.~~

16 ~~(d) The pilot program should be extended from one to~~
17 ~~five clusters, two of which would be located in northern~~
18 ~~California and three in southern California with specific~~
19 ~~sites selected by the UCLA Trauma Psychiatry Program.~~

20 ~~(e) The pilot program was funded by the Office of~~
21 ~~Criminal Justice Planning.~~

22 ~~SEC. 2. The sum of five million dollars (\$5,000,000) is~~
23 ~~hereby appropriated from the General Fund to the Office~~
24 ~~of Criminal Justice Planning for distribution to the UCLA~~
25 ~~Trauma Psychiatry Program for the purpose of operating~~
26 ~~over a period of three years an expanded version of the~~
27 ~~pilot program that currently provides trauma and grief~~
28 ~~intervention in one cluster consisting of one high school~~
29 ~~and two to four middle schools in northwest Pasadena.~~

1 *The program shall be expanded from one to five clusters,*
2 *two of which would be located in northern California and*
3 *three in southern California with specific sites selected by*
4 *the UCLA Trauma Psychiatry Program.*

5 ~~amended to read:~~

6 ~~666.7. It is the intent of the Legislature that this~~
7 ~~section serve merely as a nonsubstantive comparative~~
8 ~~reference of current sentence enhancement provisions.~~
9 ~~Nothing in this section shall have any substantive effect~~
10 ~~on the application of any sentence enhancement~~
11 ~~contained in any provision of law, including, but not~~
12 ~~limited to, all of the following: omission of any sentence~~
13 ~~enhancement provision, inclusion of any obsolete~~
14 ~~sentence enhancement provision, or inaccurate~~
15 ~~reference or summary of a sentence enhancement~~
16 ~~provision.~~

17 ~~It is the intent of the Legislature to amend this section~~
18 ~~as necessary to accurately reflect current sentence~~
19 ~~enhancement provisions, including the addition of new~~
20 ~~provisions and the deletion of obsolete provisions.~~

21 ~~For the purposes of this section, the term “sentence~~
22 ~~enhancement” means an additional term of~~
23 ~~imprisonment in the state prison added to the base term~~
24 ~~for the underlying offense. A sentence enhancement is~~
25 ~~imposed because of the nature of the offense at the time~~
26 ~~the offense was committed or because the defendant~~
27 ~~suffered a qualifying prior conviction before committing~~
28 ~~the current offense.~~

29 ~~(a) The provisions listed in this subdivision imposing~~
30 ~~a sentence enhancement of one year imprisonment in the~~
31 ~~state prison may be referenced as Schedule A.~~

32 ~~(1) Money laundering when the value of transactions~~
33 ~~exceeds fifty thousand dollars (\$50,000), but is less than~~
34 ~~one hundred fifty thousand dollars (\$150,000) (subpara.~~
35 ~~(A), para. (1), subd. (c), Sec. 186.10, Pen. C.).~~

36 ~~(2) Commission of two or more related felonies, a~~
37 ~~material element of which is fraud or embezzlement,~~
38 ~~which involve a pattern of related felony conduct,~~
39 ~~involving the taking of more than one hundred thousand~~

1 dollars (\$100,000) (para. (3), subd. (a), Sec. 186.11, Pen.
2 C.);
3 (3) Felony conviction of willful harm or injury to a
4 child, involving female genital mutilation (Sec. 273.4,
5 Pen. C.);
6 (4) Prior conviction of felony hate crime with a
7 current conviction of felony hate crime (subd. (e), Sec.
8 422.75, Pen. C.);
9 (5) Harming, obstructing, or interfering with any
10 horse or dog being used by any peace officer in the
11 discharge or attempted discharge of his or her duties and,
12 with the intent to so harm, obstruct, or interfere,
13 personally causing the death, destruction, or serious
14 physical injury of any horse or dog (subd. (c), Sec. 600,
15 Pen. C.);
16 (6) Prior prison term with current felony conviction
17 (subd. (b), Sec. 667.5, Pen. C.);
18 (7) Commission of any specified offense against a
19 person who is 65 years of age or older, blind, a paraplegic
20 or quadriplegic, or under 14 years of age (subd. (a), Sec.
21 667.9, Pen. C.);
22 (8) Showing child pornography to a minor prior to or
23 during the commission or attempted commission of any
24 lewd or lascivious act with the minor (subd. (a), Sec.
25 667.15, Pen. C.);
26 (9) Felony conviction of forgery, grand theft, or false
27 pretenses as part of plan or scheme to defraud an owner
28 in connection with repairs to a structure damaged by a
29 natural disaster (Sec. 667.16, Pen. C.);
30 (10) Impersonating a peace officer during the
31 commission of a felony (Sec. 667.17, Pen. C.);
32 (11) Felony conviction of any specified offense,
33 including, but not limited to, forgery, grand theft, and
34 false pretenses, as part of plan or scheme to defraud an
35 owner in connection with repairs to a structure damaged
36 by natural disaster with prior felony conviction of any of
37 those offenses (Sec. 670, Pen. C.);
38 (12) Commission or attempted commission of a felony
39 while armed with a firearm (para. (1), subd. (a), Sec.
40 12022, Pen. C.);

~~(13) Personally using a deadly or dangerous weapon in the commission or attempted commission of a felony (para. (1), subd. (b), Sec. 12022, Pen. C.):~~

~~(14) Taking, damaging, or destroying any property in the commission or attempted commission of a felony with the intent to cause that taking, damage, or destruction when the loss exceeds fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec. 12022.6, Pen. C.):~~

~~(15) Transferring, lending, selling, or giving any assault weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.):~~

~~(16) Manufacturing, causing to be manufactured, distributing, transporting, importing, keeping for sale, offering or exposing for sale, giving, or lending any assault weapon while committing another crime (subd. (c), Sec. 12280, Pen. C.):~~

~~(17) Inducing, employing, or using a minor to commit a drug offense involving heroin, cocaine, or cocaine base, or unlawfully furnishing one of these controlled substances to a minor, upon the grounds of, or within, a church, playground, youth center, child day care facility, or public swimming pool during business hours or whenever minors are using the facility (para. (1), subd. (a), Sec. 11353.1, H.& S.C.):~~

~~(18) Inducing another person to commit a drug offense as part of the drug transaction for which the defendant is convicted when the value of the controlled substance involved exceeds five hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec. 11356.5, H.& S.C.):~~

~~(19) Manufacturing, compounding, converting, producing, deriving, processing, or preparing methamphetamine or phencyclidine (PCP), or attempting to commit any of those acts, or possessing specified combinations of substances with the intent to manufacture either methamphetamine or phencyclidine (PCP), when the commission or attempted commission of the offense causes the death or great bodily injury of another person other than an accomplice (Sec. 11379.9, H.& S.C.):~~

~~(20) Using a minor to commit a drug offense involving phencyclidine (PCP), methamphetamine, or lysergie acid diethylamide (LSD), or unlawfully furnishing one of these controlled substances to a minor, when the commission of the offense occurs upon the grounds of, or within, a church, playground, youth center, child day care facility, or public swimming pool during business hours or whenever minors are using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).~~

~~(21) Possessing for sale, or selling, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), when the commission of the offense occurs upon the grounds of a public park, public library, or oceanfront beach (para. (1), subd. (a), Sec. 11380.5, H.& S.C.).~~

~~(22) Causing bodily injury or death to more than one victim in any one instance of driving under the influence of any alcoholic beverage or drug (Sec. 23558, Veh. C.).~~

~~(23) Fraudulently appropriating food stamps, electronically transferred benefits, or authorizations to participate in the federal Food Stamp Program entrusted to a public employee, or knowingly using, transferring, selling, purchasing, or possessing, any of the same in an unauthorized manner, when the offense is committed by means of an electronic transfer of benefits in an amount exceeding fifty thousand dollars (\$50,000), but less than one hundred fifty thousand dollars (\$150,000) (subpara. (A), para. (1), subd. (h), Sec. 10980, W.& I.C.).~~

~~(b) The provisions listed in this subdivision imposing a sentence enhancement of one, two, or three years² imprisonment in the state prison may be referenced as Schedule B.~~

~~(1) Commission of a felony for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members (para. (1), subd. (b), Sec. 186.22, Pen. C.).~~

~~(2) Commission or attempted commission of a felony hate crime (subd. (a), Sec. 422.75, Pen. C.).~~

~~(3) Commission or attempted commission of a felony against the property of a public or private institution~~

1 ~~because the property is associated with a person or group~~
2 ~~of identifiable race, color, religion, nationality, country of~~
3 ~~origin, ancestry, gender, disability, or sexual orientation~~
4 ~~(subd. (b), Sec. 422.75, Pen. C.).~~

5 ~~(4) Felony conviction of unlawfully causing a fire of~~
6 ~~any structure, forest land, or property when the~~
7 ~~defendant has been previously convicted of arson or~~
8 ~~unlawfully causing a fire, or when a firefighter, peace~~
9 ~~officer, or emergency personnel suffered great bodily~~
10 ~~injury, or when the defendant proximately caused great~~
11 ~~bodily injury to more than one victim, or caused multiple~~
12 ~~structures to burn (Sec. 452.1, Pen. C.).~~

13 ~~(5) Carrying a loaded or unloaded firearm during the~~
14 ~~commission or attempted commission of any felony street~~
15 ~~gang crime (subd. (a), Sec. 12021.5, Pen. C.).~~

16 ~~(6) Personally using a deadly or dangerous weapon in~~
17 ~~the commission of carjacking or attempted carjacking~~
18 ~~(para. (2), subd. (b), Sec. 12022, Pen. C.).~~

19 ~~(7) Being a principal in the commission or attempted~~
20 ~~commission of any specified drug offense, knowing that~~
21 ~~another principal is personally armed with a firearm~~
22 ~~(subd. (d), Sec. 12022, Pen. C.).~~

23 ~~(8) Furnishing or offering to furnish a firearm to~~
24 ~~another for the purpose of aiding, abetting, or enabling~~
25 ~~that person or any other person to commit a felony (Sec.~~
26 ~~12022.4, Pen. C.).~~

27 ~~(9) Selling, supplying, delivering, or giving possession~~
28 ~~or control of a firearm to any person within a prohibited~~
29 ~~class or to a minor when the firearm is used in the~~
30 ~~subsequent commission of a felony (para. (4), subd. (g),~~
31 ~~Sec. 12072, Pen. C.).~~

32 ~~(10) Inducing, employing, or using a minor who is at~~
33 ~~least four years younger than the defendant to commit a~~
34 ~~drug offense involving any specified controlled~~
35 ~~substance, including, but not limited to, heroin, cocaine,~~
36 ~~and cocaine base, or unlawfully providing one of these~~
37 ~~controlled substances to a minor (para. (3), subd. (a), Sec.~~
38 ~~11353.1, H.& S.C.).~~

39 ~~(11) Prior conviction of inducing, employing, or using~~
40 ~~a minor to commit a drug offense involving cocaine base,~~

~~1 or unlawfully providing cocaine base to a minor that
2 resulted in a prison sentence with a current conviction of
3 the same offense (subd. (a), Sec. 11353.4, H.& S.C.).~~

~~4 (12) Prior conviction of inducing, employing, or using
5 a minor to commit a drug offense involving cocaine base,
6 or unlawfully providing cocaine base to a minor with a
7 current conviction of the same offense involving a minor
8 who is 14 years of age or younger (subd. (b), Sec. 11353.4,
9 H.& S.C.).~~

~~10 (13) Inducing, employing, or using a minor who is at
11 least four years younger than the defendant to commit a
12 drug offense involving any specified controlled
13 substance, including, but not limited to, phencyclidine
14 (PCP), methamphetamine, and lysergic acid
15 diethylamide (LSD), or unlawfully providing one of
16 these controlled substances to a minor (para. (3), subd.
17 (a), Sec. 11380.1, H.& S.C.).~~

~~18 (14) Causing great bodily injury or a substantial
19 probability that death could result by the knowing
20 disposal, transport, treatment, storage, burning, or
21 incineration of any hazardous waste at a facility without
22 permits or at an unauthorized point (subd. (e), Sec.
23 25189.5, and subd. (e), Sec. 25189.7, H.& S.C.).~~

~~24 (15) A violent felony, as defined in subdivision (c) of
25 Section 667.5, that is committed in the immediate
26 presence of, or is witnessed by, any child under the age
27 of 16 years (Sec. 667.84, Pen. C.).~~

~~28 (c) The provisions listed in this subdivision imposing
29 a sentence enhancement of one, two, or five years'
30 imprisonment in the state prison may be referenced as
31 Schedule C.~~

~~32 (1) Wearing a bullet-resistant body vest in the
33 commission or attempted commission of a violent offense
34 (subd. (b), Sec. 12022.2, Pen. C.).~~

~~35 (2) Commission or attempted commission of any
36 specified sex offense while armed with a firearm or
37 deadly weapon (subd. (b), Sec. 12022.3, Pen. C.).~~

~~38 (d) The provisions listed in this subdivision imposing
39 a sentence enhancement of two years' imprisonment in
40 the state prison may be referenced as Schedule D.~~

1 ~~(1) Money laundering when the value of the~~
2 ~~transactions exceeds one hundred fifty thousand dollars~~
3 ~~(\$150,000), but is less than one million dollars (\$1,000,000)~~
4 ~~(subpara. (B), para. (1), subd. (c), Sec. 186.10, Pen. C.).~~

5 ~~(2) Commission of two or more related felonies, a~~
6 ~~material element of which is fraud or embezzlement,~~
7 ~~which involve a pattern of related felony conduct,~~
8 ~~involving the taking of more than one hundred fifty~~
9 ~~thousand dollars (\$150,000) (para. (3), subd. (a), Sec.~~
10 ~~186.11, Pen. C.).~~

11 ~~(3) Conviction of any specified felony sex offense that~~
12 ~~is committed after fleeing to this state under specified~~
13 ~~circumstances (subd. (d), Sec. 289.5, Pen. C.).~~

14 ~~(4) Prior conviction of any specified insurance fraud~~
15 ~~offense with current conviction of willfully injuring,~~
16 ~~destroying, secreting, abandoning, or disposing of any~~
17 ~~property insured against loss or damage by theft,~~
18 ~~embezzlement, or any casualty with the intent to defraud~~
19 ~~or prejudice the insurer (subd. (b), Sec. 548, Pen. C.).~~

20 ~~(5) Prior conviction of any specified insurance fraud~~
21 ~~offense with current conviction of knowingly presenting~~
22 ~~any false or fraudulent insurance claim or multiple claims~~
23 ~~for the same loss or injury, or knowingly causing or~~
24 ~~participating in a vehicular collision for the purpose of~~
25 ~~presenting any false or fraudulent claim, or providing~~
26 ~~false or misleading information or concealing information~~
27 ~~for purpose of insurance fraud (subd. (e), Sec. 550, Pen.~~
28 ~~C.).~~

29 ~~(6) Causing serious bodily injury as a result of~~
30 ~~knowingly causing or participating in a vehicular collision~~
31 ~~or accident for the purpose of presenting any false or~~
32 ~~fraudulent claim (subd. (g), Sec. 550, Pen. C.).~~

33 ~~(7) Harming, obstructing, or interfering with any~~
34 ~~horse or dog being used by any peace officer in the~~
35 ~~discharge or attempted discharge of his or her duties and,~~
36 ~~with the intent to cause great bodily injury, personally~~
37 ~~causing great bodily injury to any person other than an~~
38 ~~accomplice (subd. (d), Sec. 600, Pen. C.).~~

39 ~~(8) Prior conviction of any specified offense with~~
40 ~~current conviction of any of those offenses committed~~

1 against a person who is 65 years of age or older, blind, a
2 paraplegic or quadriplegic, or under 14 years of age
3 (subd. (b), Sec. 667.9, Pen. C.).

4 (9) Prior conviction for penetration of genital or anal
5 openings by foreign or unknown object with current
6 conviction of the same offense committed against a
7 person who is 65 years of age or older, blind, deaf,
8 developmentally disabled, a paraplegic or quadriplegic,
9 or under 14 years of age (subd. (a), Sec. 667.10, Pen. C.).

10 (10) Showing child pornography to minor prior to or
11 during the commission or attempted commission of
12 continuous sexual abuse of the minor (subd. (b), Sec.
13 667.15, Pen. C.).

14 (11) Primary care provider in a day care facility
15 committing any specified felony sex offense against a
16 minor entrusted to his or her care (subd. (a), Sec. 674,
17 Pen. C.).

18 (12) Commission of a felony offense while released
19 from custody on bail or own recognizance (subd. (b), Sec.
20 12022.1, Pen. C.).

21 (13) Taking, damaging, or destroying any property in
22 the commission or attempted commission of a felony with
23 the intent to cause that taking, damage, or destruction
24 when the loss exceeds one hundred fifty thousand dollars
25 (\$150,000) (para. (2), subd. (a), Sec. 12022.6, Pen. C.).

26 (14) Inducing, employing, or using a minor to commit
27 a drug offense involving heroin, cocaine, or cocaine base,
28 or unlawfully furnishing one of these controlled
29 substances to a minor, upon, or within 1,000 feet of, the
30 grounds of a school during school hours or whenever
31 minors are using the facility (para. (2), subd. (a), Sec.
32 11353.1, H.& S.C.).

33 (15) Inducing another person to commit a drug
34 offense as part of the drug transaction for which the
35 defendant is convicted when the value of the controlled
36 substance involved exceeds two million dollars
37 (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5, H.& S.C.).

38 (16) Manufacturing, compounding, converting,
39 producing, deriving, processing, or preparing
40 methamphetamine or phencyclidine (PCP), or

~~attempting to commit any of those acts, or possessing specified combinations of substances with the intent to manufacture either methamphetamine or phencyclidine (PCP), when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present (subd. (a), Sec. 11379.7, H.& S.C.).~~

~~(17) Using a minor to commit a drug offense involving phencyclidine (PCP), methamphetamine, or lysergie acid diethylamide (LSD), or unlawfully furnishing one of these controlled substances to a minor, upon, or within 1,000 feet of, the grounds of a school during school hours or whenever minors are using the facility (para. (2), subd. (a), Sec. 11380.1, H.& S.C.).~~

~~(18) Prior felony conviction of any specified insurance fraud offense with a current conviction of making false or fraudulent statements concerning a workers' compensation claim (subd. (c), Sec. 1871.4, Ins. C.).~~

~~(19) Prior felony conviction of making or causing to be made any knowingly false or fraudulent statement of any fact material to the determination of the premium, rate, or cost of any policy of workers' compensation insurance for the purpose of reducing the premium, rate, or cost of the insurance with a current conviction of the same offense (subd. (b), Sec. 11760, Ins. C.).~~

~~(20) Prior felony conviction of making or causing to be made any knowingly false or fraudulent statement of any fact material to the determination of the premium, rate, or cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, or cost of the insurance with a current conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).~~

~~(21) Fraudulently appropriating food stamps, electronically transferred benefits, or authorizations to participate in the federal Food Stamp Program entrusted to a public employee, or knowingly using, transferring, selling, purchasing, or possessing, any of the same in an unauthorized manner, when the offense is committed by~~

~~means of an electronic transfer of benefits in an amount exceeding one hundred fifty thousand dollars (\$150,000), but less than one million dollars (\$1,000,000) (subpara. (B), para. (1), subd. (h), Sec. 10980, W.& I.C.).~~

~~(e) The provisions listed in this subdivision imposing a sentence enhancement of two, three, or four years' imprisonment in the state prison may be referenced as Schedule E.~~

~~(1) Commission of a felony for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and on the grounds of, or within 1,000 feet of, a school during school hours or when minors are using the facility (para. (2), subd. (b), Sec. 186.22, Pen. C.).~~

~~(2) Acting in concert with another person or aiding or abetting another person in committing or attempting to commit a felony hate crime (subd. (c), Sec. 422.75, Pen. C.).~~

~~(3) Carrying a loaded or unloaded firearm together with a detachable shotgun magazine, a detachable pistol magazine, a detachable magazine, or a belt-feeding device during the commission or attempted commission of any felony street gang crime (subd. (b), Sec. 12021.5, Pen. C.).~~

~~(f) The provisions listed in this subdivision imposing a sentence enhancement of two, three, or five years' imprisonment in the state prison may be referenced as Schedule F.~~

~~(1) Commission of two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct, involving the taking of more than five hundred thousand dollars (\$500,000) (para. (2), subd. (a), Sec. 186.11, Pen. C.).~~

~~(g) The provisions listed in this subdivision imposing a sentence enhancement of three years' imprisonment in the state prison may be referenced as Schedule G.~~

~~(1) Money laundering when the value of transactions exceeds one million dollars (\$1,000,000), but is less than~~

1 ~~two million five hundred thousand dollars (\$2,500,000)~~
2 ~~(subpara. (C), para. (1), subd. (c), Sec. 186.10, Pen. C.).~~

3 ~~(2) Commission of a felony for the benefit of, at the~~
4 ~~direction of, or in association with any criminal street~~
5 ~~gang, with the specific intent to promote, further, or assist~~
6 ~~in any criminal conduct by gang members, if also~~
7 ~~convicted of a felony violation of witness or victim~~
8 ~~intimidation involving a credible threat of violence or~~
9 ~~death made to the witness or victim of a violent felony for~~
10 ~~the purpose of preventing or dissuading the witness or~~
11 ~~victim from attending or giving testimony at any trial for~~
12 ~~a violent felony (para. (5), subd. (b), Sec. 186.22, Pen. C.).~~

13 ~~(3) Willfully mingling any poison or harmful substance~~
14 ~~which may cause death if ingested, or which causes the~~
15 ~~infliction of great bodily injury on any person, with any~~
16 ~~food, drink, medicine, or pharmaceutical product or~~
17 ~~willfully placing such poison or harmful substance in any~~
18 ~~spring, well, reservoir, or public water supply (subd. (a),~~
19 ~~Sec. 347, Pen. C.).~~

20 ~~(4) Causing great bodily injury by willfully causing or~~
21 ~~permitting any elder or dependent adult to suffer, or~~
22 ~~inflicting pain or mental suffering upon, or endangering~~
23 ~~the health of, an elder or dependent adult when the~~
24 ~~victim is under 70 years of age (subpara. (A), para. (2),~~
25 ~~subd. (b), Sec. 368, Pen. C.).~~

26 ~~(5) Maliciously driving or placing, in any tree, saw-log,~~
27 ~~shingle-bolt, or other wood, any iron, steel, ceramic, or~~
28 ~~other substance sufficiently hard to injure saws and~~
29 ~~causing bodily injury to another person other than an~~
30 ~~accomplice (subd. (b), Sec. 593a, Pen. C.).~~

31 ~~(6) Prior prison term for violent felony with current~~
32 ~~violent felony conviction (subd. (a), Sec. 667.5, Pen. C.).~~

33 ~~(7) Commission of any specified felony sex offense by~~
34 ~~a primary care provider in a day care facility against a~~
35 ~~minor entrusted to his or her care while voluntarily acting~~
36 ~~in concert with another (subd. (b), Sec. 674, Pen. C.).~~

37 ~~(8) Commission or attempted commission of a felony~~
38 ~~while armed with an assault weapon or a machinegun~~
39 ~~(para. (2), subd. (a), Sec. 12022, Pen. C.).~~

~~(9) Taking, damaging, or destroying any property in the commission or attempted commission of a felony with the intent to cause that taking, damage, or destruction when the loss exceeds one million dollars (\$1,000,000) (para. (3), subd. (a), Sec. 12022.6, Pen. C.).~~

~~(10) Personally inflicting great bodily injury on any person other than an accomplice in the commission or attempted commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).~~

~~(11) Administering by injection, inhalation, ingestion, or any other means, any specified 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 for the purpose of committing a felony (Sec. 12022.75, Pen. C.).~~

~~(12) Commission of any specified sex offense with knowledge that the defendant has acquired immune deficiency syndrome (AIDS) or with the knowledge that he or she carries antibodies of the human immunodeficiency virus at the time of the commission of the offense (Sec. 12022.85, Pen. C.).~~

~~(13) Inducing another person to commit a drug offense as part of the drug transaction for which the defendant is convicted when the value of the controlled substance involved exceeds five million dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5, H. & S.C.).~~

~~(14) Prior conviction of any specified drug offense with current conviction of any specified drug offense (subds. (a), (b), and (c), Sec. 11370.2, H. & S.C.).~~

~~(15) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phenethylidine (PCP), when the substance exceeds one kilogram or 30 liters (para. (1), subd. (a), and para. (1), subd. (b), Sec. 11370.4, H. & S.C.).~~

~~(16) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phenethylidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the~~

~~substance exceeds three gallons or one pound (para. (1), subd. (a), Sec. 11379.8, H.& S.C.):~~

~~(17) Four or more prior convictions of specified alcohol-related vehicle offenses with current conviction of driving under the influence and causing great bodily injury (subd. (c), Sec. 23190, Veh. C.):~~

~~(18) Fraudulently appropriating food stamps, electronically transferred benefits, or authorizations to participate in the federal Food Stamp Program entrusted to a public employee, or knowingly using, transferring, selling, purchasing, or possessing, any of the same in an unauthorized manner, when the offense is committed by means of an electronic transfer of benefits in an amount exceeding one million dollars (\$1,000,000), but less than two million five hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1), subd. (h), Sec. 10980, W.& I.C.):~~

~~(h) The provisions listed in this subdivision imposing a sentence enhancement of three, four, or five years' imprisonment in the state prison may be referenced as Schedule H.~~

~~(1) Commission of felony arson with prior conviction of arson or unlawfully starting a fire, or causing great bodily injury to a firefighter, peace officer, other emergency personnel, or multiple victims, or causing the burning of multiple structures, or using an accelerator or ignition delay device (subd. (a), Sec. 451.1, Pen. C.):~~

~~(2) Commission or attempted commission of any specified drug offense while personally armed with a firearm (subd. (c), Sec. 12022, Pen. C.):~~

~~(3) Personally inflicting great bodily injury under circumstances involving domestic violence in the commission or attempted commission of a felony (subd. (d), Sec. 12022.7, Pen. C.):~~

~~(4) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to commit any of those offenses, upon the grounds of, or within 1,000 feet of, a school during school hours or when minors are using the facility (subd. (b), Sec. 11353.6, H.& S.C.):~~

~~(5) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to violate any of those offenses, involving a minor who is at least four years younger than the defendant (subd. (c), Sec. 11353.6, H.& S.C.).~~

~~(i) The provisions listed in this subdivision imposing a sentence enhancement of 3, 4, or 10 years' imprisonment in the state prison may be referenced as Schedule I.~~

~~(1) Commission or attempted commission of any felony while armed with a firearm and in the immediate possession of ammunition for the firearm designed primarily to penetrate metal or armor (subd. (a), Sec. 12022.2, Pen. C.).~~

~~(2) Commission or attempted commission of any specified sex offense while using a firearm or deadly weapon (subd. (a), Sec. 12022.3, Pen. C.).~~

~~(3) Commission or attempted commission of a felony while personally using a firearm (para. (1), subd. (a), Sec. 12022.5, Pen. C.).~~

~~(4) Commission or attempted commission of any specified drug offense while personally using a firearm (subd. (c), Sec. 12022.5, Pen. C.).~~

~~(j) The provisions listed in this subdivision imposing a sentence enhancement of four years' imprisonment in the state prison may be referenced as Schedule J.~~

~~(1) Money laundering when the value of transactions exceeds two million five hundred thousand dollars (\$2,500,000) (subpara. (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).~~

~~(2) Prior conviction of willfully inflicting upon a child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition with current conviction of that offense (subd. (b), Sec. 273d, Pen. C.).~~

~~(3) Taking, damaging, or destroying any property in the commission or attempted commission of a felony with the intent to cause that taking, damage, or destruction when the loss exceeds two million five hundred thousand dollars (\$2,500,000) (para. (4), subd. (a), Sec. 12022.6, Pen. C.).~~

~~(4) Personally, willfully, and maliciously discharging a firearm from a motor vehicle at another person other than an occupant of a motor vehicle and causing a victim to suffer paralysis or paraparesis of a major body part (para. (1), subd. (b), Sec. 12022.9, Pen. C.).~~

~~(5) Personally, willfully, and maliciously discharging a firearm from a motor vehicle at another occupied motor vehicle and causing a victim to suffer paralysis or paraparesis of a major body part (para. (2), subd. (b), Sec. 12022.9, Pen. C.).~~

~~(6) Willfully causing or permitting any child to suffer, or inflicting on the child unjustifiable physical pain or injury that results in death under circumstances or conditions likely to produce great bodily harm or death, or, having the care or custody of any child, willfully causing or permitting that child to be injured or harmed under circumstances likely to produce great bodily harm or death, when that injury or harm results in death (Sec. 12022.95, Pen. C.).~~

~~(7) Fraudulently appropriating food stamps, electronically transferred benefits, or authorizations to participate in the federal Food Stamp Program entrusted to a public employee, or knowingly using, transferring, selling, purchasing, or possessing, any of the same in an unauthorized manner, when the offense is committed by means of an electronic transfer of benefits in an amount exceeding two million five hundred thousand dollars (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.& I.C.).~~

~~(k) The provisions listed in this subdivision imposing a sentence enhancement of 4, 5, or 10 years' imprisonment in the state prison may be referenced as Schedule K.~~

~~(1) Commission or attempted commission of a felony while personally using a firearm with prior conviction of carjacking or attempted carjacking (para. (2), subd. (a), Sec. 12022.5, Pen. C.).~~

~~(l) The provisions listed in this subdivision imposing a sentence enhancement of five years' imprisonment in the state prison may be referenced as Schedule L.~~

- 1 ~~(1) Using sex offender registration information to~~
2 ~~commit a felony (subd. (q), Sec. 290, and para. (1), subd.~~
3 ~~(b), Sec. 290.4, Pen. C.).~~
- 4 ~~(2) Causing great bodily injury by willfully causing or~~
5 ~~permitting any elder or dependent adult to suffer, or~~
6 ~~inflicting pain or mental suffering upon, or endangering~~
7 ~~the health of, an elder or dependent adult when the~~
8 ~~victim is 70 years of age or older (subpara. (B), para. (2),~~
9 ~~subd. (b), Sec. 368, Pen. C.).~~
- 10 ~~(3) Causing death by willfully causing or permitting~~
11 ~~any elder or dependent adult to suffer, or inflicting pain~~
12 ~~or mental suffering upon, or endangering the health of,~~
13 ~~an elder or dependent adult when the victim is under 70~~
14 ~~years of age (subpara. (A), para. (3), subd. (b), Sec. 368,~~
15 ~~Pen. C.).~~
- 16 ~~(4) Two prior felony convictions of knowingly causing~~
17 ~~or participating in a vehicular collision or accident for the~~
18 ~~purpose of presenting any false or fraudulent claim with~~
19 ~~current conviction of the same (subd. (f), Sec. 550, Pen.~~
20 ~~C.).~~
- 21 ~~(5) Prior conviction of a serious felony with current~~
22 ~~conviction of a serious felony (para. (1), subd. (a), Sec.~~
23 ~~667, Pen. C.).~~
- 24 ~~(6) Prior conviction of any specified sex offense with~~
25 ~~current conviction of lewd and lascivious acts with a child~~
26 ~~under 14 years of age (subd. (a), Sec. 667.51, Pen. C.).~~
- 27 ~~(7) Prior conviction of any specified sex offense with~~
28 ~~current conviction of any of those sex offenses (subd. (a),~~
29 ~~Sec. 667.6, Pen. C.).~~
- 30 ~~(8) Kidnapping or carrying away any child under 14~~
31 ~~years of age with the intent to permanently deprive the~~
32 ~~parent or legal guardian custody of that child (Sec. 667.85,~~
33 ~~Pen. C.).~~
- 34 ~~(9) Personally inflicting great bodily injury on any~~
35 ~~person other than an accomplice in the commission or~~
36 ~~attempted commission of a felony that causes the victim~~
37 ~~to become comatose due to a brain injury or to suffer~~
38 ~~paralysis of a permanent nature (subd. (b), Sec. 12022.7,~~
39 ~~Pen. C.).~~

1 ~~(10) Personally inflicting great bodily injury on~~
2 ~~another person who is 70 years of age or older other than~~
3 ~~an accomplice in the commission or attempted~~
4 ~~commission of a felony (subd. (c), Sec. 12022.7, Pen. C.).~~

5 ~~(11) Inflicting great bodily injury on any victim in the~~
6 ~~commission or attempted commission of any specified sex~~
7 ~~offense (Sec. 12022.8, Pen. C.).~~

8 ~~(12) Personally and intentionally inflicting injury~~
9 ~~upon a pregnant woman during the commission or~~
10 ~~attempted commission of a felony that results in the~~
11 ~~termination of the pregnancy when the defendant knew~~
12 ~~or reasonably should have known that the victim was~~
13 ~~pregnant (subd. (a), Sec. 12022.9, Pen. C.).~~

14 ~~(13) Using information disclosed to the licensee of a~~
15 ~~community care facility by a prospective client regarding~~
16 ~~his or her status as a sex offender to commit a felony~~
17 ~~(subd. (c), Sec. 1522.01, H.& S.C.).~~

18 ~~(14) Commission of any specified drug offense~~
19 ~~involving a substance containing heroin, cocaine base,~~
20 ~~cocaine, methamphetamine, amphetamine, or~~
21 ~~phencyclidine (PCP), when the substance exceeds 4~~
22 ~~kilograms or 100 liters (para. (2), subd. (a), and para. (2),~~
23 ~~subd. (b), Sec. 11370.4, H.& S.C.).~~

24 ~~(15) Manufacturing, compounding, converting,~~
25 ~~producing, deriving, processing, or preparing~~
26 ~~methamphetamine or phencyclidine (PCP), or~~
27 ~~attempting to commit any of those acts, or possessing~~
28 ~~specified combinations of substances with the intent to~~
29 ~~manufacture either methamphetamine or phencyclidine~~
30 ~~(PCP), when the commission of the crime causes any~~
31 ~~child under 16 years of age to suffer great bodily injury~~
32 ~~(subd. (b), Sec. 11379.7, H.& S.C.).~~

33 ~~(16) Manufacturing, compounding, converting,~~
34 ~~producing, deriving, processing, or preparing any~~
35 ~~substance containing amphetamine, methamphetamine,~~
36 ~~or phencyclidine (PCP) or its analogs or precursors, or~~
37 ~~attempting to commit any of those acts, when the~~
38 ~~substance exceeds 10 gallons or three pounds (para. (2),~~
39 ~~subd. (a), Sec. 11379.8, H.& S.C.).~~

~~(17) Fleeing the scene of the crime after commission of vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).~~

~~(m) The provisions listed in this subdivision imposing a sentence enhancement of 5, 6, or 10 years' imprisonment in the state prison may be referenced as Schedule M.~~

~~(1) Discharging a firearm at an occupied motor vehicle in the commission or attempted commission of a felony which caused great bodily injury or death to another person (para. (1), subd. (b), Sec. 12022.5, Pen. C.).~~

~~(2) Commission or attempted commission of a felony while personally using an assault weapon or a machinegun (para. (2), subd. (b), Sec. 12022.5, Pen. C.).~~

~~(3) Discharging a firearm from a motor vehicle in the commission or attempted commission of a felony with the intent to inflict great bodily injury or death and causing great bodily injury or death (Sec. 12022.55, Pen. C.).~~

~~(n) The provisions listed in this subdivision imposing a sentence enhancement of seven years' imprisonment in the state prison may be referenced as Schedule N.~~

~~(1) Causing death by willfully causing or permitting any elder or dependent adult to suffer, or inflicting pain or mental suffering upon, or endangering the health of, an elder or dependent adult when the victim is 70 years of age or older (subpara. (B), para. (3), subd. (b), Sec. 368, Pen. C.).~~

~~(o) The provisions listed in this subdivision imposing a sentence enhancement of nine years' imprisonment in the state prison may be referenced as Schedule O.~~

~~(1) Kidnapping victim for purpose of committing any specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).~~

~~(p) The provisions listed in this subdivision imposing a sentence enhancement of 10 years' imprisonment in the state prison may be referenced as Schedule P.~~

~~(1) Two or more prior prison terms for any specified sex offense with current conviction of any of those sex offenses (subd. (b), Sec. 667.6, Pen. C.).~~

~~(2) Commission or attempted commission of any specified felony offense while personally using a firearm (subd. (b), Sec. 12022.53, Pen. C.).~~

~~(3) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds 10 kilograms or 200 liters (para. (3), subd. (a), and para. (3); subd. (b), Sec. 11370.4, H.& S.C.).~~

~~(4) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 25 gallons or 10 pounds (para. (3); subd. (a), Sec. 11379.8, H.& S.C.).~~

~~(q) The provisions listed in this subdivision imposing a sentence enhancement of 15 years' imprisonment in the state prison may be referenced as Schedule Q.~~

~~(1) Kidnapping victim under 14 years of age for purpose of committing any specified felony sex offense (subd. (b), Sec. 667.8, Pen. C.).~~

~~(2) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds 20 kilograms or 400 liters (para. (4), subd. (a), and para. (4); subd. (b), Sec. 11370.4, H.& S.C.).~~

~~(3) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 105 gallons or 44 pounds (para. (4); subd. (a), Sec. 11379.8, H.& S.C.).~~

~~(r) The provisions listed in this subdivision imposing a sentence enhancement of 20 years' imprisonment in the state prison may be referenced as Schedule R.~~

~~(1) Intentionally and personally discharging a firearm in the commission or attempted commission of any~~

1 ~~specified felony offense (subd. (c), Sec. 12022.53, Pen.~~
2 ~~C.).~~

3 ~~(2) Commission of any specified drug offense~~
4 ~~involving a substance containing heroin, cocaine base, or~~
5 ~~cocaine, when the substance exceeds 40 kilograms (para.~~
6 ~~(5), subd. (a), Sec. 11370.4, H.& S.C.).~~

7 ~~(s) The provisions listed in this subdivision imposing a~~
8 ~~sentence enhancement of 25 years' imprisonment in the~~
9 ~~state prison may be referenced as Schedule S.~~

10 ~~(1) Commission of any specified drug offense~~
11 ~~involving a substance containing heroin, cocaine base, or~~
12 ~~cocaine, when the substance exceeds 80 kilograms (para.~~
13 ~~(6), subd. (a), Sec. 11370.4, H.& S.C.).~~

14 ~~(t) The provisions listed in this subdivision imposing a~~
15 ~~sentence enhancement of 25 years to life imprisonment~~
16 ~~in the state prison may be referenced as Schedule T.~~

17 ~~(1) Intentionally and personally discharging a firearm~~
18 ~~in the commission or attempted commission of any~~
19 ~~specified felony offense and proximately causing great~~
20 ~~bodily injury to any person other than an accomplice~~
21 ~~(subd. (d), Sec. 12022.53, Pen. C.).~~

22 ~~SEC. 2. Section 667.84 is added to the Penal Code, to~~
23 ~~read:~~

24 ~~667.84. Any person convicted of a violent felony, as~~
25 ~~defined in subdivision (c) of Section 667.5, that is~~
26 ~~committed in the immediate presence of, or is witnessed~~
27 ~~by, any child under the age of 16 years shall be punished~~
28 ~~by an additional term of one, two, or three years.~~

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