

AMENDED IN ASSEMBLY APRIL 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3042

Introduced by Assembly Member ~~Chavez~~ Yee

February 26, 2004

An act to add Section 675 to the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3042, as amended, ~~Chavez~~ Yee. Sentencing.

Existing law prescribes the offenses of unlawful sexual intercourse, sodomy, lewd and lascivious acts, and oral copulation.

This bill would provide that a person suffering a felony conviction for any of those offenses, *as specified*, where the offense was committed with a minor for money or other consideration, is punishable with an additional enhancement of 2 years imprisonment in state prison, ~~or where the offense was committed while voluntarily acting in concert with another, is punishable by an additional term of 3 years imprisonment in the state prison.~~

By imposing additional burdens on local prosecuting entities, 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 675 is added to the Penal Code, to read:
 2 675. (a) Any person suffering a felony conviction for a
 3 violation of ~~Section 261.5, 286, 288, or 288a~~ *subdivision (c) or (d)*
 4 *or Section 261.5, paragraph (1) or (2) of subdivision (b) or*
 5 *paragraph (1) of subdivision (c) of Section 286, subdivision (a) or*
 6 *paragraph (1) of subdivision (c) of Section 288, or paragraph (1)*
 7 *or (2) of subdivision (b) or paragraph (1) of subdivision (c) of*
 8 *Section 288a*, where the offense was committed with a minor for
 9 money or other consideration, is punishable by an additional term
 10 of imprisonment in the state prison of two years, ~~and where the~~
 11 ~~offense was committed while voluntarily acting in concert with~~
 12 ~~another, by an additional term of imprisonment in the state prison~~
 13 ~~for three years.~~

14 (b) The enhancements authorized by this section may be
 15 imposed in addition to any other required or authorized
 16 enhancement.

17 SEC. 2. No reimbursement is required by this act pursuant to
 18 Section 6 of Article XIII B of the California Constitution because
 19 the only costs that may be incurred by a local agency or school
 20 district will be incurred because this act creates a new crime or
 21 infraction, eliminates a crime or infraction, or changes the penalty
 22 for a crime or infraction, within the meaning of Section 17556 of
 23 the Government Code, or changes the definition of a crime within
 24 the meaning of Section 6 of Article XIII B of the California
 25 Constitution.

O

