

ASSEMBLY BILL

No. 58

Introduced by Assembly Member Soto

December 4, 2006

An act to add Section 402.5 to the Penal Code, relating to shock pens.

LEGISLATIVE COUNSEL'S DIGEST

AB 58, as introduced, Soto. Shock pens.

Existing law establishes various offenses related to protecting public health and safety.

This bill would prohibit the possession by, and sale to, a minor of a shock pen. Violation of these provisions would be an infraction punishable by a \$100 fine.

By creating a new crime, 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 402.5 is added to the Penal Code, to read:
- 2 402.5. (a) It shall be a public offense to sell any shock pen to
- 3 any person under 18 years of age.

1 (b) It shall be a public offense for any person under 18 years of
2 age to possess a shock pen.

3 (c) A violation of this section is an infraction punishable by a
4 fine of one hundred dollars (\$100).

5 (d) For purposes of this section, a “shock pen” is any instrument
6 or device, that is a pen or resembles a pen, and is designed or
7 constructed to deliver an electric shock when used or activated.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.