

AMENDED IN ASSEMBLY MARCH 13, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2523

Introduced by Assembly Member Sharon Runner

February 21, 2008

An act to amend Section 272 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2523, as amended, Sharon Runner. Contact with minor.

Existing law provides that it is a crime for an adult stranger to contact or communicate with a minor, 14 years of age or younger, who the adult knew or should have known was 14 years of age or younger, to lure him or her away, as specified, for any purpose. Existing law provides that this crime is punishable as an infraction or a misdemeanor, as specified.

This bill would prohibit this conduct when engaged in with a minor ~~who is under 16 years of age~~ and would define "minor" to mean any natural person under 18 years of age. By expanding the scope of a crime, the 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 272 of the Penal Code is amended to
2 read:

3 272. (a) (1) Every person who commits any act or omits the
4 performance of any duty, which act or omission causes or tends
5 to cause or encourage any person under the age of 18 years to come
6 within the provisions of Section 300, 601, or 602 of the Welfare
7 and Institutions Code or which act or omission contributes thereto,
8 or any person who, by any act or omission, or by threats,
9 commands, or persuasion, induces or endeavors to induce any
10 person under the age of 18 years or any ward or dependent child
11 of the juvenile court to fail or refuse to conform to a lawful order
12 of the juvenile court, or to do or to perform any act or to follow
13 any course of conduct or to so live as would cause or manifestly
14 tend to cause that person to become or to remain a person within
15 the provisions of Section 300, 601, or 602 of the Welfare and
16 Institutions Code, is guilty of a misdemeanor and upon conviction
17 thereof shall be punished by a fine not exceeding two thousand
18 five hundred dollars (\$2,500), or by imprisonment in the county
19 jail for not more than one year, or by both fine and imprisonment
20 in a county jail, or may be released on probation for a period not
21 exceeding five years.

22 (2) For purposes of this subdivision, a parent or legal guardian
23 to any person under the age of 18 years shall have the duty to
24 exercise reasonable care, supervision, protection, and control over
25 their minor child.

26 (b) (1) An adult stranger who is 21 years of age or older, who
27 knowingly contacts or communicates with a minor ~~who is under~~
28 ~~16 years of age~~, who knew or reasonably should have known that
29 ~~the minor is under 16 years of age~~ *person is a minor*, for the
30 purpose of persuading and luring, or transporting, or attempting
31 to persuade and lure, or transport, that minor away from the minor's
32 home or from any location known by the minor's parent, legal
33 guardian, or custodian, to be a place where the minor is located,
34 for any purpose, without the express consent of the minor's parent
35 or legal guardian, and with the intent to avoid the consent of the
36 minor's parent or legal guardian, is guilty of an infraction or a
37 misdemeanor, subject to subdivision (d) of Section 17.

38 (2) This subdivision shall not apply in an emergency situation.

1 (3) As used in this subdivision, the following terms are defined
2 to mean:

3 (A) “Emergency situation” means a situation where the minor
4 is threatened with imminent bodily harm, emotional harm, or
5 psychological harm.

6 (B) “Contact” or “communication” includes, but is not limited
7 to, the use of a telephone or the Internet, as defined in Section
8 17538 of the Business and Professions Code.

9 (C) “Stranger” means a person of casual acquaintance with
10 whom no substantial relationship exists, or an individual with
11 whom a relationship has been established or promoted for the
12 primary purpose of victimization, as defined in subdivision (e) of
13 Section 6600 of the Welfare and Institutions Code.

14 (D) “Express consent” means oral or written permission that is
15 positive, direct, and unequivocal, requiring no inference or
16 implication to supply its meaning.

17 (E) *“Minor” means any natural person under 18 years of age.*

18 (4) This section shall not be interpreted to criminalize acts of
19 persons contacting minors within the scope and course of their
20 employment, or status as a volunteer of a recognized civic or
21 charitable organization.

22 (5) This section is intended to protect minors and to help parents
23 and legal guardians exercise reasonable care, supervision,
24 protection, and control over minor children.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.