

AMENDED IN ASSEMBLY APRIL 15, 2008

AMENDED IN ASSEMBLY MARCH 13, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2523**

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**Introduced by Assembly Member Sharon Runner**

February 21, 2008

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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 *a* minor.

Existing law provides that it is a crime for an adult stranger to contact or communicate with a minor; *younger than* 14 years of age ~~or younger~~, who the adult knew or should have known was *younger than* 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 and would define "minor" to mean any natural person under 18 years of age~~ *an adult stranger from contacting or communicating with a minor, 14 years of age or older, who the adult knew or should have known was a minor, for the purpose of luring him or her away for an unlawful purpose. The bill would also 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 knew or~~  
28 ~~reasonably should have known that the person is a minor, for the~~  
29 ~~purpose of persuading and luring, or transporting, or attempting~~  
30 ~~to persuade and lure, or transport, that minor away from the minor's~~  
31 ~~home or from any location known by the minor's parent, legal~~  
32 ~~guardian, or custodian, to be a place where the minor is located,~~  
33 ~~for any purpose, without the express consent of the minor's parent~~

1 ~~or legal guardian, and with the intent to avoid the consent of the~~  
2 ~~minor's parent or legal guardian, is guilty of an infraction or a~~  
3 ~~misdemeanor, subject to subdivision (d) of Section 17.~~

4 *(b) (1) An adult stranger who is 21 years of age or older, who*  
5 *knowingly contacts or communicates with a minor who is under*  
6 *14 years of age, who knew or reasonably should have known that*  
7 *the minor is under 14 years of age, for the purpose of persuading*  
8 *and luring, or transporting, or attempting to persuade and lure,*  
9 *or transport, that minor away from the minor's home or from any*  
10 *location known by the minor's parent, legal guardian, or custodian,*  
11 *to be a place where the minor is located, for any purpose, without*  
12 *the express consent of the minor's parent or legal guardian, and*  
13 *with the intent to avoid the consent of the minor's parent or legal*  
14 *guardian, is guilty of an infraction or a misdemeanor, subject to*  
15 *subdivision (d) of Section 17.*

16 *(2) An adult stranger who is 21 years of age or older, who*  
17 *knowingly contacts or communicates with a minor who is 14 years*  
18 *of age or older, who knew or reasonably should have known that*  
19 *the person is a minor, for the purpose of persuading and luring,*  
20 *or transporting, or attempting to persuade and lure, or transport,*  
21 *that minor away from the minor's home or from any location*  
22 *known by the minor's parent, legal guardian, or custodian, to be*  
23 *a place where the minor is located, for an unlawful purpose is*  
24 *guilty of an infraction or a misdemeanor, subject to subdivision*  
25 *(d) of Section 17.*

26 ~~(2)~~

27 (3) This subdivision shall not apply in an emergency situation.

28 ~~(3)~~

29 (4) As used in this subdivision, the following terms are defined  
30 to mean:

31 (A) "Emergency situation" means a situation where the minor  
32 is threatened with imminent bodily harm, emotional harm, or  
33 psychological harm.

34 (B) "Contact" or "communication" includes, but is not limited  
35 to, the use of a telephone or the Internet, as defined in Section  
36 17538 of the Business and Professions Code.

37 (C) "Stranger" means a person of casual acquaintance with  
38 whom no substantial relationship exists, or an individual with  
39 whom a relationship has been established or promoted for the

1 primary purpose of victimization, as defined in subdivision (e) of  
2 Section 6600 of the Welfare and Institutions Code.

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

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

7 ~~(4)~~

8 (5) This section shall not be interpreted to criminalize acts of  
9 persons contacting minors within the scope and course of their  
10 employment, or status as a volunteer of a recognized civic or  
11 charitable organization.

12 ~~(5)~~

13 (6) This section is intended to protect minors and to help parents  
14 and legal guardians exercise reasonable care, supervision,  
15 protection, and control over minor children.

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