

AMENDED IN SENATE MARCH 28, 2014

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 951

Introduced by Senator Torres
(Principal coauthor: Assembly Member Rodriguez)

February 6, 2014

An act to add Section 801.7 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 951, as amended, Torres. Statute of limitations: conspiracy.

Existing law requires that prosecutions for specified offenses begin within a prescribed period of time based on the term of the sentence for the crime. Under existing law, conspiracy to commit a crime is punishable as a felony, as prescribed, but in most cases in the same manner as is provided for punishment of the underlying felony.

This bill would require a prosecution for conspiracy to commit a ~~crime~~ *felony* to be commenced within the time required for the commencement of prosecution for the underlying crime. The bill would also specify the intent of the Legislature that the measure abrogate a prior judicial holding that prosecution for the crime of conspiracy to commit a felony must commence within 3 years.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. It is the intent of the Legislature in enacting this
- 2 act to abrogate *People v. Milstein* (2012) 211 Cal.App.4th 1158
- 3 to the extent that it holds that prosecution for the crime of

1 conspiracy to commit a felony must commence within three years.
2 This measure is not intended to undermine the proposition that the
3 period of limitation for conspiracy commences to run with the last
4 overt act committed in furtherance of the conspiracy.

5 SEC. 2. Section 801.7 is added to the Penal Code, to read:

6 801.7. Prosecution for conspiracy to commit a ~~crime~~ *felony*
7 pursuant to Section 182 shall be commenced within the time
8 required for the commencement of prosecution for the underlying
9 crime.