

ASSEMBLY BILL

No. 847

Introduced by Assembly Member Sharp-Collins

February 19, 2025

An act to amend Section 26 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL’S DIGEST

AB 847, as introduced, Sharp-Collins. Crimes.

Existing law specifies the classes of people who are not capable, legally, of committing crimes in the state.

This bill would make technical, nonsubstantive changes to those provisions.

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. Section 26 of the Penal Code is amended to read:
- 2 26. All persons are capable of committing crimes except those
- 3 belonging to the following classes:
- 4 ~~One—Children~~
- 5 (a) A child under the age of 14, 14 years of age, in the absence
- 6 of clear proof that that, at the time of committing the act charged
- 7 against them, they knew its the child knew the act’s wrongfulness.
- 8 ~~Two—Persons~~
- 9 (b) A person who are is mentally incapacitated.
- 10 ~~Three—Persons~~

1 (c) *A person* who committed the act or made the omission
2 charged under an ignorance or mistake of fact, which disproves
3 any criminal intent.

4 ~~Four—Persons~~

5 (d) *A person* who committed the act charged without being
6 conscious thereof.

7 ~~Five—Persons~~

8 (e) *A person* who committed the act or made the omission
9 charged through misfortune or by accident, when it appears that
10 there was no evil design, intention, or culpable negligence.

11 ~~Six—Persons (unless the crime be punishable with death)~~

12 (f) *Unless the crime is punishable by death, a person* who
13 committed the act or made the omission charged under threats or
14 menaces sufficient to show that they had reasonable cause ~~to and~~
15 ~~did to, and did~~, believe their ~~lives~~ *life* would be endangered if they
16 refused.