

AMENDED IN ASSEMBLY APRIL 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1396

Introduced by Assembly Member Macedo

February 21, 2025

An act to amend Section 220 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1396, as amended, Macedo. Crimes: sexual assault.

Existing law provides that, except as specified, a person who assaults another with the intent to commit, among other things, mayhem, rape, sodomy, or oral copulation, shall be punished by imprisonment in the state prison for 2, 4, or 6 years. Existing law provides that a person who commits those offenses against a person under 18 years of age shall be punished by imprisonment for 5, 7, or 9 years.

This bill would additionally punish assault with the intent to commit those specified offenses when committed against a dependent person, as defined, *by a caretaker or other adult who has care or custody of the dependent person, if the caretaker or other adult knows or should reasonably know that the victim is a dependent person*, with imprisonment for 5, 7, or 9 years. By expanding the definition of a 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:

SECTION 1. Section 220 of the Penal Code is amended to read:

220. (a) (1) Except as provided in subdivision (b), any person who assaults another with intent to commit mayhem, rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 shall be punished by imprisonment in the state prison for two, four, or six years.

(2) Except as provided in subdivision (b), any person who assaults another person under 18 years of ~~age, or a dependent person,~~ age with the intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 shall be punished by imprisonment in the state prison for five, seven, or nine years.

(3) *Except as provided in subdivision (b), any person who is a caretaker or other adult who has care or custody of a dependent person who assaults that dependent person with the intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 and who knows or should reasonably know that the victim is a dependent person shall be punished by imprisonment in the state prison for five, seven, or nine years.*

(b) Any person who, in the commission of a burglary of the first degree, as defined in subdivision (a) of Section 460, assaults another with intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 shall be punished by imprisonment in the state prison for life with the possibility of parole.

(c) For the purposes of subdivision (a), “dependent person” has the same meaning as in Section 288.

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

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O