

**ASSEMBLY BILL**

**No. 1951**

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**Introduced by Assembly Member Salas**

February 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as introduced, Salas. Crimes: capacity.

Existing law provides that all persons are capable of committing crimes except those belonging to specified classes, including, among others, persons who are mentally incapacitated or who committed the act charged without being conscious thereof.

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) ~~Children under the age of 14, 14 years of age~~, in the absence  
6 of clear proof that at the time of committing the act charged against  
7 them, they knew its wrongfulness.  
8 ~~Two—Persons~~  
9 (b) *Persons* who are mentally incapacitated.  
10 ~~Three—Persons~~

- 1 (c) *Persons* 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) *Persons* who committed the act charged without being
- 6 conscious thereof.
- 7 ~~Five—Persons~~
- 8 (e) *Persons* 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) who~~
- 12 (f) *Unless the crime is punishable with death, persons 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 believe their lives would be endangered if they refused.