

# **1 California Criminal Law (3d), Crimes Against the Person**

## **I. ASSAULT AND BATTERY**

### **A. In General.**

#### **1. Nature of Crimes.**

- (a) [§1] Definitions.
- (b) [§2] Relationship Between Assault and Battery.
- (c) [§3] Classification of Offenses.
- (d) [§4] Similar Offenses.
- (e) [§5] Offenses Against Public Safety Providers.

#### **2. Assault.**

- (a) [§6] Unlawful Attempt.
- (b) Present Ability.
  - (1) [§7] Necessity.
  - (2) [§8] Present Possibility Distinguished.
  - (3) [§9] Unloaded Gun.
- (c) [§10] Identifiable Victim Not Required.
- (d) [§11] No Crime of Attempted Assault.

#### **3. Battery.**

- (a) Force or Violence.
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  - (2) [§13] Direct or Indirect.
- (b) [§14] Wilful and Unlawful.

### **B. Misdemeanors.**

#### **1. [§15] Simple Assault or Battery.**

#### **2. Offenses by or Against Specific Persons.**

- (a) Offenses Against Public Safety Providers.
  - (1) [§16] Nature of Offense.
  - (2) [§17] Peace Officer Acting as Security Guard.
  - (3) [§18] Injury Not Required.
- (b) [§19] Battery on Spouse, Cohabitant, or Other Intimate.
- (c) [§20] Offenses Against Other Specified Persons.
- (d) [§21] Offenses by Youth Authority Inmate.

#### **3. Offenses Committed at Specific Places.**

- (a) [§22] School or Park.
- (b) [§23] Hospital.

#### **4. Offenses Committed by Specific Means.**

- (a) [§24] Putting Offensive Substance in Public Place.
- (b) [§25] Shining Bright Device at Aircraft.
- (c) [§25A] (New) Discharge of BB Device in Grossly Negligent Manner.

#### **5. [§26] Sexual Battery.**

### **C. Felonies and Felony-Misdemeanors.**

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#### **2. Assault With Intent To Commit Felony.**

- (a) [§28] In General.

- (b) [§29] Attempt Distinguished.
- (c) Intent To Rape.
  - (1) [§30] In General.
  - (2) [§31] Resistance.
  - (3) [§32] Voluntary Abandonment.
  - (4) [§33] Showing Sufficient.
  - (5) [§34] Showing Insufficient.
- 3. Assault With Force Likely To Produce Great Bodily Injury.
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  - (c) [§37] Relevance of Victim's Injuries.
  - (d) [§38] Simple Battery Distinguished.
- 4. [§39] Battery With Serious Bodily Injury.
- 5. Assault Committed by Specific Means.
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    - (3) What Intent Is Necessary.
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    - (2) [§49] Discharge of Firearm at Building or Vehicle.
    - (3) [§50] Discharge of Firearm From Vehicle.
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  - (b) Assault or Battery by Convict.
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