

California Penal Code 245. Assault with deadly weapon or instrument other than firearm; assault with firearm; assault with machinegun; assault by means of force likely to produce great bodily injury; assault with semiautomatic firearm.

CALIFORNIA CODES

CALIFORNIA PENAL CODE

Part 1. OF CRIMES AND PUNISHMENTS

Title 8. OF CRIMES AGAINST THE PERSON

Chapter 9. ASSAULT AND BATTERY

Current through the 2019 Legislative Session

245. Assault with deadly weapon or instrument other than firearm; assault with firearm; assault with machinegun; assault by means of force likely to produce great bodily injury; assault with semiautomatic firearm

- (a)
- (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.
 - (2) Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than six months and not exceeding one year, or by both a fine not exceeding ten thousand dollars (\$10,000) and imprisonment.
 - (3) Any person who commits an assault upon the person of another with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530, shall be punished by imprisonment in the state prison for 4, 8, or 12 years.
 - (4) Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.
- (b) Any person who commits an assault upon the person of another with a semiautomatic firearm shall be punished by imprisonment in the state prison for three, six, or nine years.
- (c) Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.
- (d)
- (1) Any person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is

engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years.

- (2) Any person who commits an assault upon the person of a peace officer or firefighter with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for five, seven, or nine years.
 - (3) Any person who commits an assault with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530, upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 6, 9, or 12 years.
- (e) When a person is convicted of a violation of this section in a case involving use of a deadly weapon or instrument or firearm, and the weapon or instrument or firearm is owned by that person, the court shall order that the weapon or instrument or firearm be deemed a nuisance, and it shall be confiscated and disposed of in the manner provided by Sections 18000 and 18005.
- (f) As used in this section, "peace officer" refers to any person designated as a peace officer in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

Cite as Ca. Pen. Code [§ 245](#)

History. Amended by [Stats 2011 ch 183 \(AB 1026\)](#), [s 1](#), eff. 1/1/2012.

Amended by [Stats 2011 ch 39 \(AB 117\)](#), [s 68](#), eff. 6/30/2011.

Amended by [Stats 2011 ch 39 \(AB 117\)](#), [s 11](#), eff. 6/30/2011.

Amended by [Stats 2011 ch 15 \(AB 109\)](#), [s 298](#), eff. 4/4/2011, but operative no earlier than October 1, 2011, and only upon creation of a community corrections grant program to assist in implementing this act and upon an appropriation to fund the grant program.

Amended by [Stats 2010 ch 178 \(SB 1115\)](#), [s 53](#), eff. 1/1/2011, op. 1/1/2012.

Amended by [Stats 2004 ch 494 \(AB 50\)](#), [s 1](#), eff. 1/1/2005.

Effective 1/1/2000. Amended July 19, 1999 (Bill Number: SB 23) (Chapter 129).