

## SF Gate

### Lawmaker modifies sex-assault bill targeting teens

By DON THOMPSON, Associated Press

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SACRAMENTO, Calif. (AP) — A bill responding to the sexual assault of a Northern California teenager who committed suicide after a photo of the attack was posted on social media was amended Tuesday to remove a mandatory two-year sentence for juvenile offenders.

Members of the [Assembly Public Safety Committee](#) objected to requiring a minimum of two years' punishment outside the home for young people convicted of sexually assaulting someone who is unconscious. The parents of 15-year-old Audrie Pott of Saratoga expressed outrage after the three teenagers who had assaulted their daughter in 2012 received sentences of 30 to 45 days. Sen. [Jim Beall](#), D-San Jose, dropped the mandatory punishment from his bill, prompting the public safety committee to approve the compromise and send the bill to the [Assembly Appropriations Committee](#).

SB838 still would require a juvenile who is convicted of rape, sodomy, oral copulation or an act of sexual penetration to complete a mandatory sexual-offender treatment program. It also would require that court proceedings for a juvenile charged with sexually assaulting an unconscious or disabled victim be open to the public.

Also under the bill, adults or juveniles tried as adults would face an additional year of punishment for a sexual assault when the attacker shares photographs or texts to harass or humiliate the victim.

The bill is named after Pott, who awakened after drinking at a friend's party in the prosperous Silicon Valley town southwest of San Jose to find herself partially clothed. Someone also had used a felt pen to scribble lewd comments on her body.

She soon found that at least one humiliating photo of her was circulating among students at her high school and hanged herself days later.

Two 16-year-olds and a 17-year-old were sentenced in the case. Two were ordered to serve 30 days on weekends in juvenile detention, while the third was sentenced to 45 consecutive days. That compares to the maximum 10-year prison sentence they could have received as adults.

Beall said the amended bill will not change a provision in state law that provides lesser penalties for juveniles if a victim does not have the ability to fight off a sexual assault.

"However, it still holds juveniles who commit this crime more accountable than before," Beall told the committee.

The California Police Chiefs Association and groups supporting victims' rights and the developmentally disabled still back the measure, he said.

[Sheila Pott](#), Audrie's mother, scolded committee members for not approving the original mandatory minimum sentence. "The laws as currently enacted are simply inadequate to protect our communities from juvenile sexual predators," she said.

"These assailants got a slap on the wrist and no treatment whatsoever," Pott said, referring to her daughter's attackers.

Yet she said the amended bill is better than existing law and urged support.

The measure had passed the Senate on a 34-0 vote, but the [American Civil Liberties Union](#), Chief Probation Officers of California, [Human Rights Watch](#), defense attorneys and other groups opposed the mandatory minimum sentences.

"It was shocking to see this kind of bill in 2014 because the whole thrust of juvenile justice is going in a different direction," [Sue Burrell](#), an attorney with the San Francisco-based Youth Law Center, said in a telephone interview.

The juvenile justice system is built around providing young, impressionable offenders with individualized care, treatment and guidance, she said, while Beall's original bill would have required what she called "a one-size-fits-all punishment based on the charges."