

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

West's Annotated California Codes  
Penal Code (Refs & Annos)  
Part 1. Of Crimes and Punishments (Refs & Annos)  
Title 8. Of Crimes Against the Person  
Chapter 1. Homicide (Refs & Annos)

West's Ann.Cal.Penal Code § 189

§ 189. Murder; degrees

Effective: January 1, 2012

Currentness

All murder which is perpetrated by means of a destructive device or explosive, a weapon of mass destruction, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, or any act punishable under Section 206, 286, 288, 288a, or 289, or any murder which is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death, is murder of the first degree. All other kinds of murders are of the second degree.

As used in this section, “destructive device” means any destructive device as defined in Section 16460, and “explosive” means any explosive as defined in Section 12000 of the Health and Safety Code.

As used in this section, “weapon of mass destruction” means any item defined in Section 11417.

To prove the killing was “deliberate and premeditated,” it shall not be necessary to prove the defendant maturely and meaningfully reflected upon the gravity of his or her act.

**Credits**

(Enacted in 1872. Amended by Code Am.1873-74, c. 614, p. 427, § 16; Stats.1949, First Ex.Sess., c. 16, p. 30, § 1, eff. Jan. 6, 1950; Stats.1969, c. 923, p. 1852, § 1; Stats.1970, c. 771, p. 1456, § 3, eff. Aug. 19, 1970; Stats.1981, c. 404, p. 1593, § 7; Stats.1982, c. 949, p. 3438, § 1, eff. Sept. 13, 1982; Stats.1982, c. 950, p. 3440, § 1, eff. Sept. 13, 1982; Initiative Measure (Prop. 115), approved June 5, 1990, eff. June 6, 1990; Stats.1993, c. 609, (S.B.310), § 1; Stats.1993, c. 610 (A.B.6), § 4, eff. Oct. 1, 1993; Stats.1993, c. 610 (A.B.6), § 4.5, eff. Oct. 1, 1993, operative Jan. 1, 1994; Stats.1993, c. 611 (S.B.60), § 4, eff. Oct. 1, 1993; Stats.1993, c. 611 (S.B.60), § 4.5, eff. Oct. 1, 1993, operative Jan. 1, 1994; Stats.1999, c. 694 (A.B.1574), § 1; Stats.2002, c. 606 (A.B.1838), § 1, eff. Sept. 17, 2002; Stats.2010, c. 178 (S.B.1115), § 51, operative Jan. 1, 2012.)

West's Ann. Cal. Penal Code § 189, CA PENAL § 189

Current with urgency legislation through Ch. 13 of 2018 Reg.Sess