

AMENDED IN SENATE JULY 9, 2001
AMENDED IN ASSEMBLY APRIL 25, 2001
AMENDED IN ASSEMBLY MARCH 28, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 469

Introduced by Assembly Member Cohn
(Coauthors: Assembly Members Alquist, Aroner, Chan, Robert Pacheco, and Steinberg Steinberg, and Washington)
(Coauthors: Senators Karnette, Kuehl, Murray, ~~and Romero~~ *Romero, and Scott*)

February 21, 2001

An act to amend Section 13730 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 469, as amended, Cohn. Domestic violence.

Existing law requires all law enforcement agencies to prepare a written incident report containing specified information about all domestic violence related calls for assistance made to the department. Existing law also requires that the total number of domestic-violence calls received and the number of those cases involving weapons be compiled by the agency monthly and submitted to the Attorney General.

This bill would require a law enforcement officer who responds to the scene of a domestic-violence related incident to prepare a domestic violence incident report which includes a notation of whether he or she ~~inquired~~ *found it necessary, for the protection of the peace officer or*

other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and whether the inquiry disclosed the presence of a firearm or other deadly weapon. This bill would also require officers to ~~make a reasonable attempt~~ to confiscate ~~the~~ any firearm or deadly weapon if it is discovered ~~that such a weapon is present~~ at the location of a domestic violence incident. Because this bill would require local law enforcement officers to perform additional duties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13730 of the Penal Code is amended to
2 read:
3 13730. (a) Each law enforcement agency shall develop a
4 system, by January 1, 1986, for recording all domestic
5 violence-related calls for assistance made to the department
6 including whether weapons are involved. All domestic
7 violence-related calls for assistance shall be supported with a
8 written incident report, as described in subdivision (c), identifying
9 the domestic violence incident. Monthly, the total number of
10 domestic violence calls received and the numbers of those cases
11 involving weapons shall be compiled by each law enforcement
12 agency and submitted to the Attorney General.
13 (b) The Attorney General shall report annually to the
14 Governor, the Legislature, and the public the total number of
15 domestic violence-related calls received by California law



1 enforcement agencies, the number of cases involving weapons,
2 and a breakdown of calls received by agency, city, and county.

3 (c) Each law enforcement agency shall develop an incident
4 report form that includes a domestic violence identification code
5 by January 1, 1986. In all incidents of domestic violence, a report
6 shall be written and shall be identified on the face of the report as
7 a domestic violence incident. The report shall include at least all
8 of the following:

9 (1) A notation of whether the officer or officers who responded
10 to the domestic violence call observed any signs that the alleged
11 abuser was under the influence of alcohol or a controlled
12 substance.

13 (2) A notation of whether the officer or officers who responded
14 to the domestic violence call determined if any law enforcement
15 agency had previously responded to a domestic violence call at the
16 same address involving the same alleged abuser or victim.

17 (3) A notation of whether the officer or officers who responded
18 to the domestic violence call ~~inquired~~ *found it necessary, for the*
19 *protection of the peace officer or other persons present, to inquire*
20 *of the victim, the alleged abuser, or both, whether a firearm or*
21 *other deadly weapon was present at the location. If a firearm or*
22 *other deadly weapon is present at the location, a reasonable*
23 *attempt shall be made to confiscate the firearm or deadly weapon*
24 *pursuant to Section 12028.5: present at the location, and, if there*
25 *is an inquiry, whether that inquiry disclosed the presence of a*
26 *firearm or other deadly weapon. Any firearm or other deadly*
27 *weapon discovered by an officer at the scene of a domestic violence*
28 *incident shall be subject to confiscation pursuant to Section*
29 *12028.5.*

30 SEC. 2. Notwithstanding Section 17610 of the Government
31 Code, if the Commission on State Mandates determines that this
32 act contains costs mandated by the state, reimbursement to local
33 agencies and school districts for those costs shall be made pursuant
34 to Part 7 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the claim for
36 reimbursement does not exceed one million dollars (\$1,000,000),
37 reimbursement shall be made from the State Mandates Claims
38 Fund.

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