

AMENDED IN ASSEMBLY JUNE 27, 2002
AMENDED IN SENATE APRIL 9, 2002
AMENDED IN SENATE MARCH 21, 2002
AMENDED IN SENATE FEBRUARY 19, 2002

SENATE BILL

No. 1265

Introduced by Senator Alpert

January 14, 2002

An act to amend Section 6228 of the Family Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

SB 1265, as amended, Alpert. Domestic violence incident report.

Existing law requires state and local law enforcement agencies to provide one copy of all domestic violence incident reports, one copy of all domestic violence incident report face sheets, or both, to a victim of domestic violence, upon request. Existing law requires persons requesting these copies to present state or local law enforcement with identification at the time a request is made.

This bill would also require state and local law enforcement agencies to provide those documents to a representative of the victim, as defined, if the victim is deceased. The bill would require any person requesting those documents to present his or her identification, as specified, and, if that person is a representative of the victim, a certified copy of the death certificate or other satisfactory evidence of the death of the victim. By imposing additional duties on local officials, the bill would create 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 6228 of the Family Code is amended to
 2 read:
 3 6228. (a) State and local law enforcement agencies shall
 4 provide, without charging a fee, one copy of all domestic violence
 5 incident report face sheets, one copy of all domestic violence
 6 incident reports, or both, to a victim of domestic violence, or to his
 7 or her representative if the victim is deceased, as defined in
 8 subdivision (g), upon request. For purposes of this section,
 9 “domestic violence” has the definition given in Section 6211.
 10 (b) A copy of a domestic violence incident report face sheet
 11 shall be made available during regular business hours to a victim
 12 of domestic violence or his or her representative no later than 48
 13 hours after being requested by the victim or his or her
 14 representative, unless the state or local law enforcement agency
 15 informs the victim or his or her representative of the reasons why,
 16 for good cause, the domestic violence incident report face sheet is
 17 not available, in which case the domestic violence incident report
 18 face sheet shall be made available to the victim or his or her
 19 representative no later than five working days after the request is
 20 made.
 21 (c) A copy of the domestic violence incident report shall be
 22 made available during regular business hours to a victim of
 23 domestic violence or his or her representative no later than five
 24 working days after being requested by a victim or his or her



1 representative, unless the state or local law enforcement agency
2 informs the victim or his or her representative of the reasons why,
3 for good cause, the domestic violence incident report is not
4 available, in which case the domestic violence incident report shall
5 be made available to the victim or his or her representative no later
6 than 10 working days after the request is made.

7 (d) Any person requesting copies under this section shall
8 present state or local law enforcement with his or her
9 identification, such as a current, valid driver's license, a
10 state-issued identification card, or a passport and, if the person is
11 a representative of the victim, a certified copy of the death
12 certificate or other satisfactory evidence of the death of the victim
13 at the time a request is made.

14 (e) This section shall apply to requests for face sheets or reports
15 made within five years from the date of completion of the domestic
16 violence incidence report.

17 (f) This section shall be known, and may be cited, as the Access
18 to Domestic Violence Reports Act of 1999.

19 (g) (1) For purposes of this section, a representative of the
20 victim means any of the following:

21 (A) The surviving spouse.

22 (B) A surviving child of the decedent who has attained 18 years
23 of age.

24 (C) *A domestic partner, as defined in subdivision (a) of Section*
25 *297.*

26 (D) A surviving parent of the decedent.

27 ~~(D)~~

28 (E) A surviving adult relative.

29 ~~(E)~~

30 (F) The public administrator if one has been appointed.

31 (2) A representative of the victim does not include any person
32 who has been convicted of murder in the first degree, as defined
33 in Section 189 of the Penal Code, of the victim, or any person
34 identified in the incident report face sheet as a suspect. Domestic
35 violence incident report face sheets may not be provided to a
36 representative of the victim unless the representative presents his
37 or her identification, such as a current, valid driver's license, a
38 state-issued identification card, or a passport and a certified copy
39 of the death certificate or other satisfactory evidence of the death
40 of the victim at the time of the request.



1 SEC. 2. Notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains costs mandated by the state, reimbursement to local
4 agencies and school districts for those costs shall be made pursuant
5 to Part 7 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code. If the statewide cost of the claim for
7 reimbursement does not exceed one million dollars (\$1,000,000),
8 reimbursement shall be made from the State Mandates Claims
9 Fund.

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