

AMENDED IN SENATE JANUARY 5, 2004

**SENATE BILL**

**No. 914**

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**Introduced by Senators Bowen, Escutia, Kuehl, and Speier**

February 21, 2003

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An act to ~~amend Section 124250~~ repeal Sections 124250 and 124251 of the Health and Safety Code, to add Section 13823.13 to, and to repeal Sections 13823.15, 13823.16, 13823.3, 13837, and 13838 of, the Penal Code, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 914, as amended, Bowen. State Department of Health Services: domestic violence prevention grant program.

*The Office of Criminal Justice Planning was abolished in 2003, and the authority for administering certain grant programs relating to victims of domestic violence and sex offenses that were administered by that office are transferred to the Office of Emergency Services.*

*This bill would revise the administration of certain grant programs relating to victims of domestic violence and sex offenses as administered by the Office of Emergency Services, and express the intent of the Legislature that administration of the programs be eventually transferred to the Office of Victim Services, an office to be created by future legislation.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Under existing law, the State Department of Health Services administers a grant program for the prevention of domestic violence.~~

~~This bill would make a technical nonsubstantive change to a provision relating to the grant program.~~

Vote: ~~majority~~ 2/3. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

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

1     ~~SECTION 1.—Section 124250 of the Health and Safety Code~~  
2     ~~SECTION 1. Section 124250 of the Health and Safety Code is~~  
3     ~~repealed.~~  
4     ~~124250.—(a) The following definitions shall apply for~~  
5     ~~purposes of this section:~~  
6         ~~(1) “Domestic violence” means the infliction or threat of~~  
7         ~~physical harm against past or present adult or adolescent female~~  
8         ~~intimate partners, and shall include physical, sexual, and~~  
9         ~~psychological abuse against the woman, and is a part of a pattern~~  
10         ~~of assaultive, coercive, and controlling behaviors directed at~~  
11         ~~achieving compliance from or control over, that woman.~~  
12         ~~(2) “Shelter-based” means an established system of services~~  
13         ~~where battered women and their children may be provided safe or~~  
14         ~~confidential emergency housing on a 24-hour basis, including, but~~  
15         ~~not limited to, hotel or motel arrangements, haven, and safe~~  
16         ~~houses.~~  
17         ~~(3) “Emergency shelter” means a confidential or safe location~~  
18         ~~that provides emergency housing on a 24-hour basis for battered~~  
19         ~~women and their children.~~  
20         ~~(b) The Maternal and Child Health Branch of the State~~  
21         ~~Department of Health Services shall administer a comprehensive~~  
22         ~~shelter-based services grant program to battered women’s shelters~~  
23         ~~pursuant to this section.~~  
24         ~~(c) The Maternal and Child Health Branch shall administer~~  
25         ~~grants, awarded as the result of a request for application process,~~  
26         ~~to battered women’s shelters that propose to maintain shelters or~~  
27         ~~services previously granted funding pursuant to this section, to~~  
28         ~~expand existing services or create new services, and to establish~~  
29         ~~new battered women’s shelters to provide services, in any of the~~  
30         ~~following four areas:~~  
31                 ~~(1) Emergency shelter to women and their children escaping~~  
32                 ~~violent family situations.~~  
33                 ~~(2) Transitional housing programs to help women and their~~  
34                 ~~children find housing and jobs so that they are not forced to choose~~  
35                 ~~between returning to a violent relationship or becoming homeless.~~



1 ~~The programs may offer up to 18 months of housing, case~~  
2 ~~management, job training and placement, counseling, support~~  
3 ~~groups, and classes in parenting and family budgeting.~~

4 ~~(3) Legal and other types of advocacy and representation to~~  
5 ~~help women and their children pursue the appropriate legal~~  
6 ~~options.~~

7 ~~(4) Other support services for battered women and their~~  
8 ~~children.~~

9 ~~(d) (1) The Maternal and Child Health Branch of the State~~  
10 ~~Department of Health Services shall conduct a minimum of one~~  
11 ~~site visit per grant term to each agency funded to provide~~  
12 ~~shelter-based services to battered women and their children. The~~  
13 ~~purpose of the site visit shall be a performance assessment of, and~~  
14 ~~technical assistance for, each agency visited. The performance~~  
15 ~~assessment shall include, but need not be limited to, a review of all~~  
16 ~~of the following:~~

17 ~~(A) Progress in meeting program goals and objectives.~~

18 ~~(B) Agency organization and facilities.~~

19 ~~(C) Personnel policies, files, and training.~~

20 ~~(D) Recordkeeping, budgeting, and expenditures.~~

21 ~~(E) Documentation, data collection, and client confidentiality.~~

22 ~~(2) Subsequent to each site visit conducted under paragraph~~  
23 ~~(1), the Maternal and Child Health Branch shall provide a written~~  
24 ~~report to the agency summarizing the agency's performance, any~~  
25 ~~deficiencies noted, and any corrective action needed.~~

26 ~~(3) Where an agency receives funding from both the Maternal~~  
27 ~~and Child Health Branch of the State Department of Health~~  
28 ~~Services and the Domestic Violence Branch of the Office of~~  
29 ~~Criminal Justice Planning during any grant cycle, the Maternal and~~  
30 ~~Child Health Branch and the Domestic Violence Branch shall, to~~  
31 ~~the extent feasible, coordinate agency site visits and share~~  
32 ~~performance assessment data with the goal of improving~~  
33 ~~efficiency, eliminating duplication, and reducing administrative~~  
34 ~~costs.~~

35 ~~(e) In implementing the grant program pursuant to this section,~~  
36 ~~the State Department of Health Services shall consult with an~~  
37 ~~advisory council that shall remain in existence until January 1,~~  
38 ~~2006. The council shall be composed of not to exceed 13 voting~~  
39 ~~members and two nonvoting members appointed as follows:~~

40 ~~(1) Seven members appointed by the Governor.~~



1 ~~(2) Three members appointed by the Speaker of the Assembly.~~

2 ~~(3) Three members appointed by the Senate Committee on~~  
3 ~~Rules.~~

4 ~~(4) Two nonvoting ex officio members who shall be Members~~  
5 ~~of the Legislature, one appointed by the Speaker of the Assembly~~  
6 ~~and one appointed by the Senate Committee on Rules. Any~~  
7 ~~Member of the Legislature appointed to the council shall meet~~  
8 ~~with, and participate in the activities of, the council to the extent~~  
9 ~~that participation is not incompatible with his or her position as a~~  
10 ~~Member of the Legislature.~~

11 ~~The membership of the council shall consist of domestic~~  
12 ~~violence advocates, battered women service providers, and~~  
13 ~~representatives of women's organizations, law enforcement, and~~  
14 ~~other groups involved with domestic violence. At least one half of~~  
15 ~~the council membership shall consist of domestic violence~~  
16 ~~advocates or battered women service providers from organizations~~  
17 ~~such as the California Alliance Against Domestic Violence.~~

18 ~~It is the intent of the Legislature that the council membership~~  
19 ~~reflect the ethnic, racial, cultural, and geographic diversity of the~~  
20 ~~state.~~

21 ~~(f) The department shall collaborate closely with the council in~~  
22 ~~the development of funding priorities, the framing of the Request~~  
23 ~~for Proposals, and the solicitation of proposals.~~

24 ~~(g) (1) The Maternal and Child Health Branch of the State~~  
25 ~~Department of Health Services shall administer grants, awarded as~~  
26 ~~the result of a request for application process, to agencies to~~  
27 ~~conduct demonstration projects to serve battered women,~~  
28 ~~including, but not limited to, creative and innovative service~~  
29 ~~approaches, such as community response teams and pilot projects~~  
30 ~~to develop new interventions emphasizing prevention and~~  
31 ~~education, and other support projects identified by the advisory~~  
32 ~~council.~~

33 ~~(2) For purposes of this subdivision, "agency" means a state~~  
34 ~~agency, a local government, a community-based organization, or~~  
35 ~~a nonprofit organization.~~

36 ~~(h) It is the intent of the Legislature that services funded by this~~  
37 ~~program include services in underserved and ethnic and racial~~  
38 ~~communities. Therefore, the Maternal and Child Health Branch of~~  
39 ~~the State Department of Health Services shall do all of the~~  
40 ~~following:~~



1 ~~(1) Fund shelters pursuant to this section that reflect the ethnic,~~  
2 ~~racial, economic, cultural, and geographic diversity of the state.~~

3 ~~(2) Target geographic areas and ethnic and racial communities~~  
4 ~~of the state whereby, based on a needs assessment, it is determined~~  
5 ~~that no shelter-based services exist or that additional resources are~~  
6 ~~necessary.~~

7 ~~(i) The director may award additional grants to shelter-based~~  
8 ~~agencies when it is determined that there exists a critical need for~~  
9 ~~shelter or shelter-based services.~~

10 ~~(j) As a condition of receiving funding pursuant to this section,~~  
11 ~~battered women's shelters shall do all of the following:~~

12 ~~(1) Provide matching funds or in-kind contributions equivalent~~  
13 ~~to not less than 20 percent of the grant they would receive. The~~  
14 ~~matching funds or in-kind contributions may come from other~~  
15 ~~governmental or private sources.~~

16 ~~(2) Ensure that appropriate staff and volunteers having client~~  
17 ~~contact meet the definition of "domestic violence counselor" as~~  
18 ~~specified in subdivision (a) of Section 1037.1 of the Evidence~~  
19 ~~Code. The minimum training specified in paragraph (2) of~~  
20 ~~subdivision (a) of Section 1037.1 of the Evidence Code shall be~~  
21 ~~provided to those staff and volunteers who do not meet the~~  
22 ~~requirements of paragraph (1) of subdivision (a) of Section 1037.1~~  
23 ~~of the Evidence Code.~~

24 *SEC. 2. Section 124251 of the Health and Safety Code is*  
25 *repealed.*

26 ~~124251. (a) The Maternal and Child Health Branch of the~~  
27 ~~State Department of Health Services shall fund, through a~~  
28 ~~competitive selection process determined by the director, at least~~  
29 ~~one agency to provide expert technical assistance and training on~~  
30 ~~domestic violence issues and building agency capacity in order to~~  
31 ~~obtain other funding for services for battered women and their~~  
32 ~~children, including, but not limited to, grant writing and building~~  
33 ~~coalitions.~~

34 ~~(b) The Maternal and Child Health Branch of the State~~  
35 ~~Department of Health Services shall fund at least one agency to~~  
36 ~~conduct a statewide evaluation of the services funded through~~  
37 ~~Section 124250.~~

38 ~~(c) For purposes of subdivision (a), "agency" means a state~~  
39 ~~agency, local government, a community-based organization, or a~~  
40 ~~nonprofit agency.~~



1 ~~(d) Contracts awarded pursuant to this section are exempt from~~  
2 ~~the competitive bidding requirements of the Public Contract Code.~~

3 SEC. 3. Section 13823.13 is added to the Penal Code, to read:  
4 13823.13. (a) It is the intent of the Legislature that victims'  
5 services programs that were administered by the Office of Criminal  
6 Justice Planning be temporarily redirected to the Office of  
7 Emergency Services (OES) for the 2003-04 fiscal year with  
8 oversight by the office of Homeland Security (OHS). It is further  
9 the intent of the Legislature that domestic violence programs  
10 within the Domestic Violence Branch and sexual assault/rape  
11 crisis programs within the Sexual Assault Branch of the Office of  
12 Criminal Justice Planning, and the Battered Women's Shelter  
13 Program in the Department of Health Services (DHS), be  
14 permanently consolidated into one program, office, branch, or  
15 department, within one state agency, to be created, and referred to  
16 as the Office for Victim Services (OVS).

17 (b) It is the intent of the Legislature that the goal or purpose for  
18 the OVS shall be to ensure that all victims of sexual assault and  
19 rape, including adults, children, women, and men, receive  
20 comprehensive quality services, and to decrease the incidence of  
21 sexual assault through school and community education and  
22 prevention programs.

23 (c) For purposes of this section, the OES shall administer  
24 victim's services programs and require that all grantees providing  
25 services shall provide the following eight mandated services and  
26 the OES shall provide financial and technical assistance to sexual  
27 assault and rape crisis centers and programs in implementing all  
28 of the following services:

- 29 (1) Crisis intervention, 24 hours per day, seven days per week
- 30 (2) Follow-up counseling services.
- 31 (3) In-person counseling, including group counseling.
- 32 (4) Accompaniment services.
- 33 (5) Advocacy services.
- 34 (6) Information and referrals to victims and the general public.
- 35 (7) Community education presentations.
- 36 (8) Rape prevention presentations and self-defense programs.

37 (d) For purposes of this section, the goal or purpose for the  
38 OES shall be to ensure that victims of domestic violence receive  
39 comprehensive quality services. The OES shall provide local  
40 assistance to existing service providers, maintain and expand



1 services based on a demonstrated need, and to develop and  
2 establish domestic violence services in underserved areas. All  
3 grantees providing services shall provide the 16 mandated services  
4 below and the OES shall provide financial and technical  
5 assistance to domestic violence shelters in implementing all of the  
6 following services:

7 (1) Emergency shelter to women and their children escaping  
8 violent family situations.

9 (2) Legal and other types of advocacy and representation to  
10 help women and their children pursue the appropriate legal  
11 options.

12 (3) Twenty-four-hour crisis hotlines.

13 (4) Counseling.

14 (5) Business centers.

15 (6) Emergency “safe” homes or shelters for victims and  
16 families.

17 (7) Emergency food and clothing.

18 (8) Emergency response to calls from law enforcement.

19 (9) Hospital emergency room protocol and assistance.

20 (10) Emergency transportation.

21 (11) Supportive peer counseling.

22 (12) Counseling for children.

23 (13) Court and social service advocacy.

24 (14) Legal assistance with temporary restraining orders,  
25 devices, and custody disputes.

26 (15) Community resource and referral.

27 (16) Household establishment assistance. Priority for  
28 financial and technical assistance shall be given to emergency  
29 shelter programs and ‘safe’ homes for victims of domestic violence  
30 and their children.

31 (e) For purposes of this section, the OES shall conduct a  
32 minimum of one site visit per grant term to each agency funded to  
33 provide shelter-based services to battered women and their  
34 children and sexual assault/rape crisis center. The purpose of the  
35 site visit shall be a performance assessment of, and technical  
36 assistance for, each shelter or center visited. The performance  
37 assessment shall include, but need not be limited to, a review of all  
38 of the following:

39 (1) Progress in meeting program goals and objectives.

40 (2) Shelter and center facilities.



1 (3) *Personnel policies, files, and training.*

2 (4) *Recordkeeping, budgeting, and expenditures.*

3 (5) *Documentation, data collection, and client confidentiality.*

4 (6) *Subsequent to each site visit, the OES shall provide a*  
5 *written report to the shelter or center summarizing its*  
6 *performance, any deficiencies noted, and any corrective action*  
7 *needed, pursuant to the time frame designated in paragraphs (9)*  
8 *and (10) below.*

9 (f) *The funding process for distributing grant awards to*  
10 *victims' services providers who provide assistance to the victims*  
11 *of domestic violence, sexual assault, and rape shall be*  
12 *administered by the OVS as follows:*

13 (1) *The OES shall administer a comprehensive shelter-based*  
14 *services grant program to battered women's and administer a*  
15 *comprehensive sexual assault/rape crisis program pursuant to this*  
16 *section.*

17 (2) *OES shall be responsible for determining the process and*  
18 *whether to grant, renew, or deny funding to any battered women's*  
19 *shelter or sexual assault/rape crisis center or victim services*  
20 *provider (collectively, VSP) applying or reapplying for funding*  
21 *under the terms of the program.*

22 (3) *Grants shall be awarded to VSPs that propose to maintain*  
23 *shelters or services previously granted funding pursuant to this*  
24 *section, to expand existing services or create new services, and to*  
25 *establish new battered women's shelters and sexual assault/rape*  
26 *crisis centers and programs in underserved areas.*

27 (4) *Grants shall be awarded as a result of a request for*  
28 *application/request for proposal (RFA/RFP) process. The*  
29 *RFA/RFP shall comply with all applicable state and federal*  
30 *statutes for domestic violence shelter funding and sexual assault*  
31 *funding, and shall consist of no more than 25 pages for shelters or*  
32 *centers applying for initial grants, and no more than 10 pages for*  
33 *shelters and centers funded in the previous cycle and reapplying*  
34 *for grants.*

35 (5) *A grading system shall be established for the RFA/RFP*  
36 *process, and for the appeal process for applications that are denied*  
37 *or that result in funding reductions. A description of this grading*  
38 *system and appeal process shall be provided to all VSPs prior to*  
39 *the VSP applying for grants under this program.*



1 (6) *The OES shall determine when circumstances require an*  
2 *expansion of funding to new or previously unfunded VSPs to*  
3 *accommodate underserved areas. If supplemental funding is*  
4 *unavailable, the OES shall have the authority to lower the base*  
5 *level of grants to currently funded VSPs in order to provide funding*  
6 *for new or previously unfunded VSPs. Funding reductions made to*  
7 *accommodate funding for new or previously unfunded VSPs shall*  
8 *not be subject to appeal.*

9 (7) *VSPs reapplying for grants shall not be subject to a*  
10 *competitive bidding grant process. Any VSP funded through this*  
11 *program in the previous grant cycle shall be refunded, upon*  
12 *reapplication unless its past performance history, evaluated as*  
13 *described in paragraph (8), fails to meet minimum standards,*  
14 *provided however, that the amount funded may be more or less than*  
15 *the previous funding cycle, depending on the amount of funding*  
16 *available.*

17 (8) *The RFA/RFP process for VSPs reapplying for grant funds*  
18 *shall consist in part of a performance assessment of the VSP's past*  
19 *performance history. The assessment shall be made by the*  
20 *OVS/OVSOB and shall include, but not be limited to, a site visit*  
21 *and a review of all of the following:*

- 22 (A) *Progress in meeting program goals and objectives.*
- 23 (B) *Agency organization and facilities.*
- 24 (C) *Personnel policies, files, and training.*
- 25 (D) *Recordkeeping, budgeting, and expenditures.*
- 26 (E) *Documentation, data collection, and client confidentiality.*

27 (9) *After each site visit conducted under paragraph (8), the*  
28 *OES shall provide a written report to the VSP summarizing the*  
29 *VSP's performance, any deficiencies noted, any corrective action*  
30 *needed, and a deadline for corrective action to be completed. The*  
31 *OES shall submit its written report to the VSP no more than 30 days*  
32 *after the site visit assessment. No reapplication for funding by a*  
33 *VSP funded in the previous grant cycle, shall be denied if the VSP*  
34 *did not receive a site assessment visit during the previous cycle and*  
35 *no less than six months prior to next RFP/RFA process begins.*

36 (10) (A) *OES shall establish a grading system for evaluating*  
37 *performance assessments in accordance with specified minimum*  
38 *standards for VSP funding, and shall provide a description of this*  
39 *grading system to all VSPs receiving grants under this program.*  
40 *VSPs receiving written reports of deficiencies or orders for*



1 corrective action after a site visit assessment shall be given no  
2 more than six months time to take corrective action before the next  
3 RFP/RFA process begins.

4 (11) If corrective action is ordered, and a VSP fails to comply,  
5 or if other deficiencies exist that, in the judgment of the OES  
6 cannot be corrected, the OES shall determine, using its grading  
7 system where appropriate, whether continued funding for the VSP  
8 should be reduced or denied altogether. If a VSP has been  
9 determined to be deficient the OES may reserve the right to deny  
10 any further funding even if the terms of the grant are midgrant  
11 funding cycle.

12 (12) If a VSP applies or reapplies for funding pursuant to this  
13 section and that funding is denied or reduced, the denial or  
14 reduction decision shall be provided in writing to the VSP, along  
15 with a written explanation of the reasons for the reduction or  
16 denial made in accordance with the grading system for RFA/RFPs  
17 or for past performance assessments, or the minimum standards  
18 for shelter or centers operations. Any appeal of the decision to  
19 deny funding shall be made in accordance with the appeal process  
20 established by the OES and made available to all VSPs applying  
21 for funding.

22 (g) The OES shall administer grants, awarded as the result of  
23 a request for application process, to VSPs to conduct  
24 demonstration projects to serve battered women and victims of  
25 sexual assault, including, but not limited to, creative and  
26 innovative service approaches, such as community response teams  
27 and pilot projects to develop new interventions emphasizing  
28 prevention and education, and other support projects.

29 (h) As a condition of receiving funding pursuant to this section,  
30 VSPs shall do all of the following:

31 (1) Provide matching funds or in-kind contributions equivalent  
32 to not less than 20 percent of the grant they would receive. The  
33 matching funds or in-kind contributions may come from other  
34 governmental or private sources.

35 (2) For domestic violence shelters, ensure that appropriate  
36 staff and volunteers having client contact meet the definition of  
37 'domestic violence counselor' as specified in subdivision (a) of  
38 Section 1037.1 of the Evidence Code. The minimum training  
39 specified in paragraph (2) of subdivision (a) of Section 1037.1 of  
40 the Evidence Code shall be provided to those staff and volunteers



1 *who do not meet the requirements of paragraph (1) of subdivision*  
2 *(a) of Section 1037.1 of the Evidence Code.*

3 *(i) The following definitions shall apply for purposes of this*  
4 *section:*

5 *(1) “Domestic violence” means the infliction or threat of*  
6 *physical harm against past or present adult or adolescent female*  
7 *intimate partners, and shall include physical, sexual, and*  
8 *psychological abuse against the woman, and is a part of a pattern*  
9 *of assaultive, coercive, and controlling behaviors directed at*  
10 *achieving compliance from or control over, that woman.*

11 *(2) “Sexual assault” means to be assaulted in a sexual manner,*  
12 *including rape, and includes all victims of sexual assault,*  
13 *including adults, children, women, and men.*

14 *(3) “Shelter-based” means an established system of services*  
15 *where battered women and their children may be provided safe or*  
16 *confidential emergency housing on a 24-hour basis, including, but*  
17 *not limited to, hotel or motel arrangements, haven, and safe*  
18 *houses.*

19 *(4) “Emergency shelter” means a confidential or safe location*  
20 *that provides emergency housing on a 24-hour basis for battered*  
21 *women and their children.*

22 *SEC. 4. (a) It is the intent of the Legislature that, in the future,*  
23 *the authority and responsibility for administering the programs*  
24 *described in this act be vested with the Office of Victim Services,*  
25 *to be created in future legislation, and to be under the authority of*  
26 *the Office of Homeland Security.*

27 *(b) It is the intent of the Legislature that the Office of Victim*  
28 *Services be administered by a five to nine member board, with*  
29 *members appointed by the nomination of victims’ organizations*  
30 *and coalitions and the Governor, and confirmed by the*  
31 *Legislature, or have members appointed by the Legislature. It is*  
32 *further the intent of the Legislature that the board would ensure a*  
33 *close working relationship with all of the organizations concerned*  
34 *with victims’ rights and services, that members of the board would*  
35 *have demonstrated an active interest in or have had a direct*  
36 *experience with the problems, needs, and treatment of victims of*  
37 *crime, that criteria ensuring a sufficient background in victims’*  
38 *issues would be established for board members, and that board*  
39 *members would serve staggered terms, in order to preserve*  
40 *continuity of leadership, with a maximum term of four years. It is*



1 *also the intent of the Legislature that the board would make all*  
2 *final decisions regarding grant awards and appeals on grand*  
3 *awards.*

4 *(c) It is further the intent of the Legislature that the board would*  
5 *appoint a Victim Services Advisory Committee, to be comprised of*  
6 *no more than 25 members that would include victims, advocates,*  
7 *and diverse service providers who are knowledgeable about*  
8 *victims' issues, that the membership would represent the ethic and*  
9 *geographic diversity of the state, and that the committee would*  
10 *assist the board in determining service gaps for victims and*  
11 *prepare a strategic plan to ensure a high level of coordination*  
12 *between government entities that provide or fund services to*  
13 *victims.*

14 *SEC. 5. Section 13823.15 of the Penal Code is repealed.*

15 ~~13823.15.—(a) The Legislature finds the problem of domestic~~  
16 ~~violence to be of serious and increasing magnitude. The~~  
17 ~~Legislature also finds that existing domestic violence services are~~  
18 ~~underfunded and that some areas of the state are unserved.~~

19 ~~(b) There is in the agency or agencies designated by the~~  
20 ~~Director of Finance pursuant to Section 13820, a Comprehensive~~  
21 ~~Statewide Domestic Violence Program. The goals of the program~~  
22 ~~shall be to provide local assistance to existing service providers,~~  
23 ~~to maintain and expand services based on a demonstrated need,~~  
24 ~~and to establish a targeted or directed program for the development~~  
25 ~~and establishment of domestic violence services in currently~~  
26 ~~unserved and underserved areas. The program shall provide~~  
27 ~~financial and technical assistance to local domestic violence~~  
28 ~~centers in implementing all of the following services:~~

29 ~~(1) Twenty-four-hour crisis hotlines.~~

30 ~~(2) Counseling.~~

31 ~~(3) Business centers.~~

32 ~~(4) Emergency "safe" homes or shelters for victims and~~  
33 ~~families.~~

34 ~~(5) Emergency food and clothing.~~

35 ~~(6) Emergency response to calls from law enforcement.~~

36 ~~(7) Hospital emergency room protocol and assistance.~~

37 ~~(8) Emergency transportation.~~

38 ~~(9) Supportive peer counseling.~~

39 ~~(10) Counseling for children.~~

40 ~~(11) Court and social service advocaey.~~



1 ~~(12) Legal assistance with temporary restraining orders,~~  
2 ~~devices, and custody disputes.~~

3 ~~(13) Community resource and referral.~~

4 ~~(14) Household establishment assistance.~~

5 ~~Priority for financial and technical assistance shall be given to~~  
6 ~~emergency shelter programs and “safe” homes for victims of~~  
7 ~~domestic violence and their children.~~

8 ~~(e) The Executive Director of the agency or agencies~~  
9 ~~designated by the Director of Finance pursuant to Section 13820~~  
10 ~~shall allocate funds to local centers meeting the criteria for funding~~  
11 ~~that shall be established by the office in consultation with~~  
12 ~~practitioners and experts in the field of domestic violence. All~~  
13 ~~organizations funded pursuant to this section shall utilize~~  
14 ~~volunteers to the greatest extent possible.~~

15 ~~The centers may seek, receive, and make use of any funds which~~  
16 ~~may be available from all public and private sources to augment~~  
17 ~~any state funds received pursuant to this section.~~

18 ~~Centers receiving funding shall provide cash or an in-kind~~  
19 ~~match of at least 10 percent of the funds received pursuant to this~~  
20 ~~section.~~

21 ~~(d) The agency or agencies designated by the Director of~~  
22 ~~Finance pursuant to Section 13820 shall conduct statewide~~  
23 ~~training workshops on domestic violence for local centers, law~~  
24 ~~enforcement, and other service providers designed to enhance~~  
25 ~~service programs. The workshops shall be planned in conjunction~~  
26 ~~with practitioners and experts in the field of domestic violence~~  
27 ~~prevention.~~

28 ~~(e) The agency or agencies designated by the Director of~~  
29 ~~Finance pursuant to Section 13820 shall develop and disseminate~~  
30 ~~throughout the state information and materials concerning~~  
31 ~~domestic violence. The agency or agencies designated by the~~  
32 ~~Director of Finance pursuant to Section 13820 shall also establish~~  
33 ~~a resource center for the collection, retention, and distribution of~~  
34 ~~educational materials related to domestic violence. The agency or~~  
35 ~~agencies designated by the Director of Finance pursuant to Section~~  
36 ~~13820 may utilize and contract with existing domestic violence~~  
37 ~~technical assistance centers in this state in complying with the~~  
38 ~~requirements of this subdivision.~~

39 ~~(f) The agency or agencies designated by the Director of~~  
40 ~~Finance pursuant to Section 13820 may hire the support staff and~~



1 ~~utilize all resources necessary to carry out the purposes of this~~  
2 ~~section. The agency or agencies designated by the Director of~~  
3 ~~Finance pursuant to Section 13820 shall not utilize more than 10~~  
4 ~~percent of any funds appropriated for the purpose of the program~~  
5 ~~established by this section for the administration of that program.~~

6 *SEC. 6. Section 13823.16 of the Penal Code is repealed.*

7 ~~13823.16. (a) In implementing the Comprehensive~~  
8 ~~Statewide Domestic Violence Program pursuant to Section~~  
9 ~~13823.15, the agency or agencies designated by the Director of~~  
10 ~~Finance pursuant to Section 13820 shall consult with an advisory~~  
11 ~~council. The membership of the Office of Criminal Justice~~  
12 ~~Planning Domestic Violence Advisory Council shall consist of~~  
13 ~~experts in the provision of either direct or intervention services to~~  
14 ~~battered women and their children, within the scope and intention~~  
15 ~~of the Office of Criminal Justice Planning's Domestic Violence~~  
16 ~~Assistance Program.~~

17 ~~(b) The membership of the council shall consist of domestic~~  
18 ~~violence victims' advocates, battered women service providers,~~  
19 ~~and representatives of women's organizations, law enforcement,~~  
20 ~~and other groups involved with domestic violence. At least~~  
21 ~~one half of the council membership shall consist of domestic~~  
22 ~~violence victims' advocates or battered women service providers~~  
23 ~~from organizations such as the California Alliance Against~~  
24 ~~Domestic Violence. It is the intent of the Legislature that the~~  
25 ~~council membership reflect the ethnic, racial, cultural, and~~  
26 ~~geographic diversity of the state. The council shall be composed~~  
27 ~~of no more than 13 voting members and two nonvoting members~~  
28 ~~who shall be appointed, as follows:~~

29 ~~(1) Seven voting members shall be appointed by the Governor.~~

30 ~~(2) Three voting members shall be appointed by the Speaker of~~  
31 ~~the Assembly.~~

32 ~~(3) Three voting members shall be appointed by the Senate~~  
33 ~~Committee on Rules.~~

34 ~~(4) Two nonvoting members shall be Members of the~~  
35 ~~Legislature, one appointed by the Speaker of the Assembly and~~  
36 ~~one appointed by the Senate Committee on Rules. Any Member~~  
37 ~~of the Legislature appointed to the council shall meet with the~~  
38 ~~council and participate in its activities to the extent that~~  
39 ~~participation is not incompatible with his or her position as a~~  
40 ~~Member of the Legislature.~~



1 ~~(c) The agency or agencies designated by the Director of~~  
2 ~~Finance pursuant to Section 13820 shall collaborate closely with~~  
3 ~~the council in developing funding priorities, framing the request~~  
4 ~~for proposals, and soliciting proposals.~~

5 ~~(d) This section shall remain in effect only until January 1,~~  
6 ~~2010, and as of that date is repealed, unless a later enacted statute,~~  
7 ~~that is enacted before January 1, 2010, deletes or extends that date.~~

8 *SEC. 7. Section 13823.3 of the Penal Code is repealed.*

9 ~~13823.3. The office may expend funds for local domestic~~  
10 ~~violence programs, subject to the availability of funds therefor.~~

11 *SEC. 8. Section 13837 of the Penal Code is repealed.*

12 ~~13837. The agency or agencies designated by the Director of~~  
13 ~~Finance pursuant to Section 13820 shall provide grants to~~  
14 ~~proposed and existing local rape, child sexual exploitation, and~~  
15 ~~child sexual abuse victim counseling centers and prevention~~  
16 ~~programs. Grant recipients shall provide appropriate in-person~~  
17 ~~counseling and referral services during normal business hours, and~~  
18 ~~maintain other standards or services which shall be determined to~~  
19 ~~be appropriate by the advisory committee established pursuant to~~  
20 ~~Section 13836 as grant conditions. Rape victim counseling centers~~  
21 ~~shall provide a 24-hour telephone counseling service for sex crime~~  
22 ~~victims. The advisory committee shall identify the criteria to be~~  
23 ~~utilized in awarding the grants provided by this chapter before any~~  
24 ~~funds are allocated.~~

25 ~~In order to be eligible for funding pursuant to this chapter, the~~  
26 ~~centers shall demonstrate an ability to receive and make use of any~~  
27 ~~funds available from governmental, voluntary, philanthropic, or~~  
28 ~~other sources which may be used to augment any state funds~~  
29 ~~appropriated for purposes of this chapter. Each center receiving~~  
30 ~~funds pursuant to this chapter shall make every attempt to qualify~~  
31 ~~for any available federal funding.~~

32 ~~State funds provided to establish centers shall be utilized when~~  
33 ~~possible, as determined by the advisory committee, to expand the~~  
34 ~~program and shall not be expended to reduce fiscal support from~~  
35 ~~other public or private sources. The centers shall maintain~~  
36 ~~quarterly and final fiscal reports in a form to be prescribed by the~~  
37 ~~administering agency. In granting funds, the advisory committee~~  
38 ~~shall give priority to centers which are operated in close proximity~~  
39 ~~to medical treatment facilities.~~

40 *SEC. 9. Section 13838 of the Penal Code is repealed.*



1 ~~13838. “Peer counselor” means a provider of mental health~~  
2 ~~counseling services who has completed a specialized course in~~  
3 ~~rape crisis counseling skills development, participates in~~  
4 ~~continuing education in rape crisis counseling skills development,~~  
5 ~~and provides rape crisis counseling in consultation with a mental~~  
6 ~~health practitioner licensed within the State of California.~~

7 *SEC. 10. This act is an urgency statute necessary for the*  
8 *immediate preservation of the public peace, health, or safety*  
9 *within the meaning of Article IV of the Constitution and shall go*  
10 *into immediate effect. The facts constituting the necessity are:*

11 *In order to ensure the efficient and orderly administration of*  
12 *grant programs to assist victims of domestic violence and sex*  
13 *offenses, it is necessary that this act take effect immediately.*

14 ~~is amended to read:~~

15 ~~124250. (a) The following definitions shall apply for~~  
16 ~~purposes of this section:~~

17 ~~(1) “Domestic violence” means the infliction or threat of~~  
18 ~~physical harm against past or present adult or adolescent female~~  
19 ~~intimate partners, and shall include physical, sexual, and~~  
20 ~~psychological abuse against the woman, and is a part of a pattern~~  
21 ~~of assaultive, coercive, and controlling behaviors directed at~~  
22 ~~achieving compliance from or control over, that woman.~~

23 ~~(2) “Shelter-based” means an established system of services~~  
24 ~~where battered women and their children may be provided safe or~~  
25 ~~confidential emergency housing on a 24-hour basis, including, but~~  
26 ~~not limited to, hotel or motel arrangements, haven, and safe~~  
27 ~~houses.~~

28 ~~(3) “Emergency shelter” means a confidential or safe location~~  
29 ~~that provides emergency housing on a 24-hour basis for battered~~  
30 ~~women and their children.~~

31 ~~(b) The Maternal and Child Health Branch of the State~~  
32 ~~Department of Health Services shall administer a comprehensive~~  
33 ~~shelter-based services grant program to battered women’s shelters~~  
34 ~~pursuant to this section.~~

35 ~~(c) The Maternal and Child Health Branch shall administer~~  
36 ~~grants, awarded as the result of a request for application process,~~  
37 ~~to battered women’s shelters that propose to maintain shelters or~~  
38 ~~services previously granted funding pursuant to this section, to~~  
39 ~~expand existing services or create new services, and to establish~~



1 ~~new battered women's shelters to provide services, in any of the~~  
2 ~~following four areas:~~

3 ~~(1) Emergency shelter to women and their children escaping~~  
4 ~~violent family situations.~~

5 ~~(2) Transitional housing programs to help women and their~~  
6 ~~children find housing and jobs so that they are not forced to choose~~  
7 ~~between returning to a violent relationship or becoming homeless.~~  
8 ~~The programs may offer up to 18 months of housing, case~~  
9 ~~management, job training and placement, counseling, support~~  
10 ~~groups, and classes in parenting and family budgeting.~~

11 ~~(3) Legal and other types of advocacy and representation to~~  
12 ~~help women and their children pursue the appropriate legal~~  
13 ~~options.~~

14 ~~(4) Other support services for battered women and their~~  
15 ~~children.~~

16 ~~(d) (1) The Maternal and Child Health Branch of the State~~  
17 ~~Department of Health Services shall conduct a minimum of one~~  
18 ~~site visit per grant term to each agency funded to provide~~  
19 ~~shelter-based services to battered women and their children. The~~  
20 ~~purpose of the site visit shall be a performance assessment of, and~~  
21 ~~technical assistance for, each agency visited. The performance~~  
22 ~~assessment shall include, but need not be limited to, a review of all~~  
23 ~~of the following:~~

24 ~~(A) Progress in meeting program goals and objectives.~~

25 ~~(B) Agency organization and facilities.~~

26 ~~(C) Personnel policies, files, and training.~~

27 ~~(D) Recordkeeping, budgeting, and expenditures.~~

28 ~~(E) Documentation, data collection, and client confidentiality.~~

29 ~~(2) Subsequent to each site visit conducted under paragraph~~  
30 ~~(1), the Maternal and Child Health Branch shall provide a written~~  
31 ~~report to the agency summarizing the agency's performance, any~~  
32 ~~deficiencies noted, and any corrective action needed.~~

33 ~~(3) Where an agency receives funding from both the Maternal~~  
34 ~~and Child Health Branch of the State Department of Health~~  
35 ~~Services and the Domestic Violence Branch of the Office of~~  
36 ~~Criminal Justice Planning during any grant cycle, the Maternal and~~  
37 ~~Child Health Branch and the Domestic Violence Branch shall, to~~  
38 ~~the extent feasible, coordinate agency site visits and share~~  
39 ~~performance assessment data with the goal of improving~~



1 efficiency, eliminating duplication, and reducing administrative  
2 costs.

3 ~~(e) In implementing the grant program pursuant to this section,~~  
4 ~~the State Department of Health Services shall consult with an~~  
5 ~~advisory council that shall remain in existence until January 1,~~  
6 ~~2006. The council shall be composed of no more than 13 voting~~  
7 ~~members and two nonvoting members appointed as follows:~~

8 ~~(1) Seven members appointed by the Governor.~~

9 ~~(2) Three members appointed by the Speaker of the Assembly.~~

10 ~~(3) Three members appointed by the Senate Committee on~~  
11 ~~Rules.~~

12 ~~(4) Two nonvoting ex officio members who shall be Members~~  
13 ~~of the Legislature, one appointed by the Speaker of the Assembly~~  
14 ~~and one appointed by the Senate Committee on Rules. Any~~  
15 ~~Member of the Legislature appointed to the council shall meet~~  
16 ~~with, and participate in the activities of, the council to the extent~~  
17 ~~that participation is not incompatible with his or her position as a~~  
18 ~~Member of the Legislature.~~

19 ~~The membership of the council shall consist of domestic~~  
20 ~~violence advocates, battered women service providers, and~~  
21 ~~representatives of women's organizations, law enforcement, and~~  
22 ~~other groups involved with domestic violence. At least one-half of~~  
23 ~~the council membership shall consist of domestic violence~~  
24 ~~advocates or battered women service providers from organizations~~  
25 ~~such as the California Alliance Against Domestic Violence.~~

26 ~~It is the intent of the Legislature that the council membership~~  
27 ~~reflect the ethnic, racial, cultural, and geographic diversity of the~~  
28 ~~state.~~

29 ~~(f) The department shall collaborate closely with the council in~~  
30 ~~the development of funding priorities, the framing of the Request~~  
31 ~~for Proposals, and the solicitation of proposals.~~

32 ~~(g) (1) The Maternal and Child Health Branch of the State~~  
33 ~~Department of Health Services shall administer grants, awarded as~~  
34 ~~the result of a request for application process, to agencies to~~  
35 ~~conduct demonstration projects to serve battered women,~~  
36 ~~including, but not limited to, creative and innovative service~~  
37 ~~approaches, such as community response teams and pilot projects~~  
38 ~~to develop new interventions emphasizing prevention and~~  
39 ~~education, and other support projects identified by the advisory~~  
40 ~~council.~~



1 ~~(2) For purposes of this subdivision, “agency” means a state~~  
2 ~~agency, a local government, a community-based organization, or~~  
3 ~~a nonprofit organization.~~

4 ~~(h) It is the intent of the Legislature that services funded by this~~  
5 ~~program include services in underserved and ethnic and racial~~  
6 ~~communities. Therefore, the Maternal and Child Health Branch of~~  
7 ~~the State Department of Health Services shall do all of the~~  
8 ~~following:~~

9 ~~(1) Fund shelters pursuant to this section that reflect the ethnic,~~  
10 ~~racial, economic, cultural, and geographic diversity of the state.~~

11 ~~(2) Target geographic areas and ethnic and racial communities~~  
12 ~~of the state whereby, based on a needs assessment, it is determined~~  
13 ~~that no shelter-based services exist or that additional resources are~~  
14 ~~necessary.~~

15 ~~(i) The director may award additional grants to shelter-based~~  
16 ~~agencies when it is determined that there exists a critical need for~~  
17 ~~shelter or shelter-based services.~~

18 ~~(j) As a condition of receiving funding pursuant to this section,~~  
19 ~~battered women’s shelters shall do all of the following:~~

20 ~~(1) Provide matching funds or in-kind contributions equivalent~~  
21 ~~to not less than 20 percent of the grant they would receive. The~~  
22 ~~matching funds or in-kind contributions may come from other~~  
23 ~~governmental or private sources.~~

24 ~~(2) Ensure that appropriate staff and volunteers having client~~  
25 ~~contact meet the definition of “domestic violence counselor” as~~  
26 ~~specified in subdivision (a) of Section 1037.1 of the Evidence~~  
27 ~~Code. The minimum training specified in paragraph (2) of~~  
28 ~~subdivision (a) of Section 1037.1 of the Evidence Code shall be~~  
29 ~~provided to those staff and volunteers who do not meet the~~  
30 ~~requirements of paragraph (1) of subdivision (a) of Section 1037.1~~  
31 ~~of the Evidence Code.~~

