

AMENDED IN SENATE MARCH 23, 2004

SENATE BILL

No. 1676

Introduced by Senator Romero

February 20, 2004

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1676, as amended, Romero. Domestic violence: peace officers.

Existing law requires all law enforcement agencies to prepare a written incident report containing specified information *on a form specific to domestic violence incidents* about all domestic violence related calls for assistance made to the department. ~~Existing law also requires that certain information pertaining to these calls be compiled by each law enforcement agency monthly and submitted to the Attorney General, to be included in a specified annual report.~~

~~This bill would require any allegation against a peace officer of domestic violence, whether or not accompanied by a call for assistance, be subject to these same requirements, and be included in the Attorney General's annual report~~ *the domestic violence report to include a notation of whether the officer noticed evidence of injuries or bodily harm to the victim, assailant, or both.*

~~Because this bill would require local law enforcement agencies to perform additional duties~~ *collect additional information and record it on the specified form*, 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
16 enforcement agencies, the number of cases involving weapons,
17 and a breakdown of calls received by agency, city, and county.

18 (c) Each law enforcement agency shall develop an incident
19 report form that includes a domestic violence identification code
20 by January 1, 1986. In all incidents of domestic violence, a report
21 shall be written and shall be identified on the face of the report as
22 a domestic violence incident. The report shall include at least all
23 of the following:

24 (1) A notation of whether the officer or officers who responded
25 to the domestic violence call observed any signs that the alleged
26 abuser was under the influence of alcohol or a controlled
27 substance.



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

5 (3) A notation of whether the officer or officers who responded
6 to the domestic violence call found it necessary, for the protection
7 of the peace officer or other persons present, to inquire of the
8 victim, the alleged abuser, or both, whether a firearm or other
9 deadly weapon was present at the location, and, if there is an
10 inquiry, whether that inquiry disclosed the presence of a firearm
11 or other deadly weapon. Any firearm or other deadly weapon
12 discovered by an officer at the scene of a domestic violence
13 incident shall be subject to confiscation pursuant to Section
14 12028.5.

15 ~~(d) Whether or not accompanied by a call for assistance, any~~
16 ~~allegation against a peace officer of domestic violence shall be~~
17 ~~supported with a written incident report, as described in~~
18 ~~subdivision (e), identifying the domestic violence incident, and~~
19 ~~shall be reported to the Attorney General and included in the~~
20 ~~annual report specified in subdivision (b).~~

21 (4) *A notation of whether the officer noticed evidence of*
22 *injuries or bodily harm to the alleged victim, the alleged assailant,*
23 *or to both.*

24 SEC. 2. Notwithstanding Section 17610 of the Government
25 Code, if the Commission on State Mandates determines that this
26 act contains costs mandated by the state, reimbursement to local
27 agencies and school districts for those costs shall be made pursuant
28 to Part 7 (commencing with Section 17500) of Division 4 of Title
29 2 of the Government Code. If the statewide cost of the claim for
30 reimbursement does not exceed one million dollars (\$1,000,000),
31 reimbursement shall be made from the State Mandates Claims
32 Fund.

