

**ASSEMBLY BILL**

**No. 2172**

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**Introduced by Assembly Member Cook**

February 20, 2008

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An act to add Section 368.5 to the Penal Code, relating to elder abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2172, as introduced, Cook. Elder abuse: registry.

Existing law proscribes various crimes committed against an elder or dependent adult related to physical and financial abuse when the person has knowledge that the victim is an elder or dependent adult, including causing or permitting an elder or dependent adult to suffer or inflicting thereon unjustifiable physical pain or mental suffering and violating any provision of law proscribing theft, embezzlement, forgery, fraud, or identity theft, with respect to the person or property of an elder or dependent adult.

This bill would require the Department of Justice to develop an Internet Web site, to be updated regularly, which would make available to the public certain information concerning persons who have been convicted of violating at least one of specified crimes against elder or dependent adults. The bill would require a facility that release from incarceration any person from a commitment for an offense for which the person is required to be listed pursuant to these provisions to provide specified information to the department regarding the offense. By imposing new duties on local government agencies, 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.

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 368.5 is added to the Penal Code, to read:  
2 368.5. (a) The Department of Justice shall develop an Internet  
3 Web site, to be updated regularly, which shall make available to  
4 the public information concerning persons who have been  
5 convicted of at least one violation of Section 368, as specified in  
6 this section. All information identifying the victim by name, birth  
7 date, address, or relationship to the offender shall be excluded  
8 from the Internet Web site. The Internet Web site shall be translated  
9 into languages other than English, as determined by the department.  
10 (b) On or before January 1, 2010, the Department of Justice  
11 shall make available to the public, via an Internet Web site, about  
12 any person convicted of a violation of Section 368, the following  
13 information:  
14 (1) The year of conviction of his or her most recent offense  
15 requiring registration pursuant to this section.  
16 (2) The year he or she was released from incarceration for that  
17 offense.  
18 (3) Whether he or she was subsequently incarcerated for any  
19 other felony, if that fact was reported to the department.  
20 (c) Any facility that releases from incarceration a person who  
21 was incarcerated because of a crime for which he or she is required  
22 to be listed as an offender pursuant to this section shall, within 30  
23 days of release, provide the year of release and information  
24 regarding the offense to the department in a manner and format  
25 approved by the department.  
26 (d) The Department of Justice shall work with law enforcement  
27 agencies, the California Department of Aging, and child protective  
28 services agencies to provide special access, including search and  
29 similar functions, to the elder and dependent adult abuse registry  
30 for these agencies.

1     SEC. 2. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

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