

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN ASSEMBLY APRIL 20, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2410**

---

---

**Introduced by Assembly Member Fuller**  
(Coauthor: Senator Florez)

February 19, 2010

---

---

An act to amend Section 13879.80 of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2410, as amended, Fuller. Child abuse: crime scenes: hallucinogens, methamphetamine, cocaine, PCP, and heroin.

Existing law encourages every law enforcement and social services agency in this state to develop, adopt, and implement written policies and standards for their response to narcotics crime scenes where a child is either immediately present or where there is evidence that a child lives. Existing law provides that these policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare.

This bill would make these provisions applicable also to crime scenes involving hallucinogens, methamphetamine, cocaine, PCP, and heroin. The bill would delete obsolete language.

Existing law further provides that the needs of a drug endangered child are best served with written policies encouraging the arrest of an individual for child endangerment where there is probable cause that an offense has been committed coordinated with an appropriate

investigation of the child’s welfare by child protective agencies, and that protocols that encourage a dependency investigation contemporaneous with a law enforcement investigation at a narcotics crime scene, when appropriate, are consistent with a child’s best interest.

This bill would provide that protocols that encourage the removal of a child from a crime scene if an immediate threat to the child’s health or safety exists, when appropriate, are also consistent with the child’s best interest. *This bill would provide that protocols, policies, and standards adopted or developed pursuant to the above provisions shall comply with and be consistent with existing provisions of law relating to the jurisdiction, temporary custody, and detention of dependent children.*

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

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

1 SECTION 1. Section 13879.80 of the Penal Code is amended  
 2 to read:  
 3 13879.80. (a) Every law enforcement and social services  
 4 agency in this state is encouraged to develop, adopt, and implement  
 5 written policies and standards for their response to crime scenes  
 6 involving narcotics or hallucinogens where a child is either  
 7 immediately present or where there is evidence that a child lives.  
 8 These policies shall reflect the fact that exposing a child to the  
 9 manufacturing, trafficking, and use of narcotics or hallucinogens  
 10 is criminal conduct and that a response coordinated by law  
 11 enforcement and social services agencies is essential to the child’s  
 12 health and welfare.  
 13 (b) The needs of a ~~drug-endangered~~ *drug-endangered* child are  
 14 best served with written policies encouraging the arrest of an  
 15 individual for child endangerment where there is probable cause  
 16 that an offense has been committed, coordinated with an  
 17 appropriate investigation of the child’s welfare by child protective  
 18 agencies. Protocols that encourage a dependency investigation,  
 19 and removal of the child from the crime scene if an immediate  
 20 threat to the child’s health or safety exists, contemporaneous with  
 21 a law enforcement investigation at a crime scene involving  
 22 narcotics or hallucinogens, when appropriate, are consistent with  
 23 a child’s best interest.

1 (c) Subdivisions (a) and (b) shall also apply to crime scenes  
2 involving methamphetamine, cocaine, phencyclidine (PCP), and  
3 heroin.

4 (d) *Protocols, policies, and standards adopted or developed*  
5 *pursuant to this section shall comply with and be consistent with*  
6 *the provisions of Article 6 (commencing with Section 300) and*  
7 *Article 7 (commencing with Section 305) of Chapter 2 of Part 1*  
8 *of the Welfare and Institutions Code.*

O