

AMENDED IN ASSEMBLY SEPTEMBER 12, 2009

AMENDED IN ASSEMBLY SEPTEMBER 11, 2009

AMENDED IN ASSEMBLY FEBRUARY 14, 2009

AMENDED IN ASSEMBLY JANUARY 13, 2009

CALIFORNIA LEGISLATURE—2009–10 THIRD EXTRAORDINARY SESSION

SENATE BILL

No. 13

Introduced by Senator ~~Yee~~ Senators *Alquist, Corbett, and Kehoe*

(Principal coauthor: Assembly Member Bass)

**(Coauthors: Senators ~~Alquist~~, Ashburn, Florez, Liu, Maldonado,
Negrete McLeod, Pavley, Romero, and Wiggins)**

(Coauthors: Assembly Members Adams, Ammiano, Blumenfield, Eng,
Fong, Jones, Bonnie Lowenthal, Ma, Mendoza, Ruskin, Salas,
Saldana, Skinner, Smyth, Torlakson, and Villines)

January 5, 2009

An act to amend Section 124250 of, and to repeal Section 124251 of, the Health and Safety Code, relating to domestic violence, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as amended, ~~Yee~~ *Alquist*. Domestic violence: funding.

Existing law establishes a comprehensive statewide domestic violence program in the California Emergency Management Agency (Cal EMA) and requires the agency to provide financial and technical assistance to local domestic violence centers.

Existing law requires the Maternal and Child Health Branch of the State Department of Public Health to administer a comprehensive

shelter-based services grant program to battered women’s shelters, as prescribed.

This bill would, among other things, require the Cal EMA to administer the above-described grant program.

This bill would require the Department of Finance, upon the enactment of this act, to transfer \$16,300,000 from the Alternative and Renewable Fuel and Vehicle Technology Fund to the General Fund as a loan. The bill would require the full amount of the loan to be repaid, with interest at the rate earned by the Pooled Money Investment Account at the time of the transfer, on or before June 30, 2013.

The bill would appropriate \$16,300,000 from the General Fund to Cal EMA for the purpose of funding the above-described comprehensive shelter-based services grant program to shelters for victims of domestic violence.

This bill would require grantees funded under the above-described grant program, during the 2008–09 fiscal year, to be funded by Cal EMA for a period of one fiscal year, retroactively, commencing July 1, 2009.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, ~~2009~~ 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, ~~2009~~ 2008, pursuant to the California Constitution.

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

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: 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 is amended to read:

3 124250. (a) The following definitions shall apply for purposes
4 of this section:

5 (1) “Domestic violence” means the infliction or threat of
6 physical harm against past or present adult or adolescent intimate
7 partners, and shall include physical, sexual, and psychological

1 abuse against the partner, and is a part of a pattern of assaultive,
2 coercive, and controlling behaviors directed at achieving
3 compliance from or control over, that partner.

4 (2) “Shelter-based” means an established system of services
5 where victims of domestic violence and their children may be
6 provided safe or confidential emergency housing on a 24-hour
7 basis, including, but not limited to, hotel or motel arrangements,
8 haven, and safe houses.

9 (3) “Emergency shelter” means a confidential or safe location
10 that provides emergency housing on a 24-hour basis for victims
11 of domestic violence and their children.

12 (b) The California Emergency Management Agency shall
13 administer a comprehensive shelter-based services grant program
14 to shelters for victims of domestic violence pursuant to this section.
15 This program shall comport with the requirements of Section 11135
16 of the Government Code.

17 (c) The California Emergency Management Agency shall
18 administer grants, awarded as the result of a request for application
19 process, to shelters for victims of domestic violence that propose
20 to maintain shelters or services previously granted funding pursuant
21 to this section, to expand existing services or create new services,
22 and to establish new shelters to provide services, in any of the
23 following four areas:

24 (1) Emergency shelter to victims of domestic violence and their
25 children escaping violent family situations.

26 (2) Transitional housing programs to help victims of domestic
27 violence and their children find housing and jobs so that they are
28 not forced to choose between returning to a violent relationship
29 or becoming homeless. The programs may offer up to 18 months
30 of housing, case management, job training and placement,
31 counseling, support groups, and classes in parenting and family
32 budgeting.

33 (3) Legal and other types of advocacy and representation to help
34 victims of domestic violence and their children pursue the
35 appropriate legal options.

36 (4) Other support services for victims of domestic violence and
37 their children.

38 (d) The agency shall collaborate closely with the advisory
39 council established pursuant to Section 13823.16 of the Penal Code

1 in the development of funding priorities, the framing of the Request
2 for Proposals, and the solicitation of proposals.

3 (e) (1) The California Emergency Management Agency shall
4 administer grants, awarded as the result of a request for application
5 process, to entities to conduct demonstration projects to serve
6 victims of domestic violence and their children, including, but not
7 limited to, creative and innovative service approaches, such as
8 community response teams and pilot projects to develop new
9 interventions emphasizing prevention and education, and other
10 support projects identified by the advisory council.

11 (2) For purposes of this subdivision, “entity” means a state
12 agency, a local government, a community-based organization, or
13 a nonprofit organization.

14 (f) It is the intent of the Legislature that services funded by this
15 program include services for victims of domestic violence in
16 underserved communities, including the lesbian, gay, bisexual,
17 and transgender community, and ethnic and racial communities.
18 Therefore, the California Emergency Management Agency shall
19 do both of the following:

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

22 (2) Target geographic areas and ethnic and racial communities
23 of the state whereby, based on a needs assessment, it is determined
24 that no shelter-based services for victims of domestic violence
25 exist or that additional resources are necessary.

26 (g) The director may award additional grants to shelter-based
27 agencies when it is determined that there exists a critical need for
28 shelter or shelter-based services.

29 (h) As a condition of receiving funding pursuant to this section,
30 shelters for victims of domestic violence shall do both of the
31 following:

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

36 (2) Ensure that appropriate staff and volunteers having client
37 contact meet the definition of “domestic violence counselor” as
38 specified in subdivision (a) of Section 1037.1 of the Evidence
39 Code. The minimum training specified in paragraph (2) of
40 subdivision (a) of Section 1037.1 of the Evidence Code shall be

1 provided to those staff and volunteers who do not meet the
2 requirements of paragraph (1) of subdivision (a) of Section 1037.1
3 of the Evidence Code.

4 (i) Notwithstanding subdivision (h), a shelter for victims of
5 domestic violence that received funding pursuant to this section
6 in the previous grant cycle shall be funded upon reapplication,
7 unless its past performance history fails to meet the requirements
8 in paragraph (2) of subdivision (h).

9 (j) The California Emergency Management Agency may hire
10 the support staff and utilize all resources necessary to carry out
11 the purposes of this section. The agency shall not utilize more than
12 10 percent of any funds appropriated for the purpose of the program
13 established by this section for the administration of this program.

14 SEC. 2. Section 124251 of the Health and Safety Code is
15 repealed.

16 SEC. 3. (a) (1) Upon enactment of this act, the Department
17 of Finance shall transfer sixteen million three hundred thousand
18 dollars (\$16,300,000) from the Alternative and Renewable Fuel
19 and Vehicle Technology Fund to the General Fund as a loan. The
20 full amount of the loan shall be repaid, with interest at the rate
21 earned by the Pooled Money Investment Account at the time of
22 the transfer, on or before June 30, 2013.

23 (2) There is hereby appropriated the sum of sixteen million three
24 hundred thousand dollars (\$16,300,000) from the General Fund
25 to the California Emergency Management Agency (Cal EMA) for
26 the purposes of funding Chapter 6 (commencing with Section
27 124250) of Part 2 of Division 106 of the Health and Safety Code.

28 (b) Grantees funded pursuant to Section 124250 of the Health
29 and Safety Code, during the 2008–09 fiscal year, shall be funded
30 under this section by the Cal EMA for a period of one fiscal year,
31 retroactively, commencing July 1, 2009.

32 (c) In order to qualify for financial assistance pursuant to this
33 section a recipient shall be a California nonprofit organization with
34 a demonstrated history of working in the area of domestic violence
35 intervention, education, and prevention.

36 SEC. 4. This act addresses the fiscal emergency declared by
37 the Governor by proclamation on December 19, ~~2009~~ 2008,
38 pursuant to subdivision (f) of Section 10 of Article IV of the
39 California Constitution.

1 SEC. 5. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:
5 The problem of domestic violence is serious and increasing in
6 magnitude, existing domestic violence services are underfunded,
7 and some areas of the state are unserved or underserved. In order
8 to ensure that all victims of domestic violence receive
9 comprehensive, quality services, it is necessary that this act take
10 effect immediately.

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