

**Introduced by Senator Liu**January 28, 2009

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An act to amend Sections 11163.6, 11174.35, 11174.5, 11174.7, 13519.64, 13823.7, 13823.9, 13823.13, 13823.16, 13836, 13836.1, and 14213 of, to amend the heading of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of, to add Sections 368.1, 368.5, and 13519.65 to, and to add a heading as Chapter 13 (commencing with Section 368) to Title 9 of Part 1 of, the Penal Code, and to amend Sections 4427, 4427.5, 15610.19, and 15763 of, to add Section 4689.25 to, and to add Chapter 10.5 (commencing with Section 15590) to Part 3 of Division 9 of, the Welfare and Institutions Code, relating to people with disabilities.

## LEGISLATIVE COUNSEL'S DIGEST

SB 110, as introduced, Liu. People with disabilities: victims of crime.

Existing law regulates the investigation and prosecution of crimes against dependent adults, which is defined to include persons who are between 18 and 64 years of age, inclusive, and who have a physical or mental limitation which restricts his or her ability, or substantially restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the phrase also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities.

This bill would state that it is the intent of the Legislature to strongly encourage law enforcement agencies and district attorneys to develop and adopt certain training, investigation, and prosecution practices

relevant to victims with disabilities, as specified. This bill would require the Department of Justice to send a bulletin to law enforcement agencies and district attorneys describing that intent, as well as the laws relating to the protection of persons with disabilities, as specified.

Existing law authorizes the creation of Domestic Violence Death Review Teams, Child Death Review Teams, and Elder Death Review Teams, as specified.

This bill would state that information related to deaths of children with disabilities and people with disabilities killed as a result of domestic violence is included in procedures relating to Child Death Review Teams and Domestic Violence Death Review Teams, as specified. This bill would also include within the authority of an Elder Death Review Team the review of deaths involving dependent adults, as specified.

Existing law regulates the procedures and practices of long-term care ombudsman programs, adult protective services agencies, as well as certain state agencies, relative to the protection, investigation, and reporting of suspected crimes involving persons with disabilities, as specified.

This bill would require the State Department of Developmental Services to either immediately report a case of suspected abuse or neglect of a person held in custody as developmentally disabled to local law enforcement, or ascertain the facts and then report confirmed cases of abuse to the local law enforcement agency, as specified.

Existing law provides that the California Emergency Management Agency is the lead agency responsible for coordinating state agencies involved in protecting elders and dependent adults, as specified.

This bill would require the California Emergency Management Agency to convene a working group on crimes against elders, dependent adults, and people with disabilities, as specified.

Existing law establishes, until January 1, 2010, the Domestic Violence Advisory Council, and specifies its membership.

This bill would state the intent of the Legislature that persons with disabilities be included as members of the council, and would extend the operation of the council to January 1, 2015.

Existing law requires certain persons to report known or suspected cases of abuse against elders and dependent adults, as specified, and makes the failure to report that conduct a misdemeanor.

This bill would state that no state or local agency is required to update their training regarding that additional reporting requirement but that

it is the intent of the Legislature that the training be updated, if possible, without substantial cost, as specified.

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

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

1 SECTION 1. This act shall be known and may be cited as the  
2 Crime Victims with Disabilities Act of 2009.

3 SEC. 2. The Legislature finds and declares as follows:

4 (a) A large body of research indicates that people with mental  
5 and physical disabilities in California and throughout the United  
6 States are victimized by violent crime and major property crime  
7 at much higher rates than the general population.

8 (b) At least 13,500 American adults with disabilities are victims  
9 of criminal violence every day—562 every hour. At least 410  
10 children with disabilities are victimized every day—17 every hour.

11 (c) People with disabilities who are abused experience both  
12 more prolonged and more severe abuse on the average than other  
13 crime victims. Evidence suggests that the harmful effects may be  
14 more serious and chronic for victims with disabilities.

15 (d) California and national research has found particularly  
16 disturbing indications, including:

17 (1) Californians with developmental disabilities are victimized  
18 4 to 10 times more frequently than the general population, and  
19 they are at a higher risk of revictimization.

20 (2) The rate of victimization of Californians with severe and  
21 persistent mental illness is 1,970 percent that of the general  
22 population. The rate of victimization for those diagnosed with both  
23 mental illness and substance abuse is 6,300 percent of that of the  
24 general population.

25 (3) Of Californians with development disabilities, about 8 in  
26 10 women and 4 in 10 men have been sexually abused. About 4  
27 in 10 women and 2 in 10 men have been sexually abused at least  
28 10 times.

29 (4) More than 8,000 California children with disabilities were  
30 reported by Child Protective Services to be victims of maltreatment  
31 in 2005—about one per hour.

1 (5) Mentally ill prison and jail inmates face a significantly higher  
2 risk of being the victims of violence, particularly sexual abuse,  
3 than other inmates.

4 (6) People often become homeless because of disabilities, and  
5 those who were able when they were housed typically become  
6 disabled due to their homelessness. Homeless Californians are  
7 much more likely than the housed population to become crime  
8 victims — more than 6 out of 10 are victimized every year, 2 out  
9 of 10 at least five times in one year. Their disabilities increase the  
10 likelihood of victimization still further. The lifetime risk of  
11 victimization for seriously mentally ill, episodically homeless  
12 women is 97 percent.

13 (7) People with disabilities, both those who live at home and  
14 those who live in institutions, are often victims of domestic and  
15 family violence and other crimes by caregivers.

16 (8) Elders and children with disabilities are particularly at risk  
17 of becoming victims of abuse, neglect, and other major crimes.

18 (e) Research indicates that criminals select people with  
19 disabilities as their victims because of two major categories of  
20 motivations, as follows:

21 (1) Hostility toward those who arouse guilt, fear of those whose  
22 visible traits are perceived as disturbing to others, a perception  
23 that people with disabilities are inferior and therefore “deserving  
24 victims,” and resentment of those who require and increasingly  
25 demand alternative physical and social accommodations.

26 (2) Belief that people with disabilities are especially vulnerable,  
27 a belief that is often well founded.

28 (f) It is the intent of the Legislature to clarify and enforce  
29 existing laws and make California the national leader in humane  
30 treatment of people with disabilities.

31 (g) People with disabilities are especially vulnerable to crime  
32 and become victims at rates many times higher than the general  
33 population. A large majority of these crimes are never reported to  
34 law enforcement. In addition, the law previously did not make it  
35 clear that abuse is a crime. As a result, many law enforcement  
36 officers, prosecutors, and other citizens are unaware of this invisible  
37 epidemic.

38 (h) Crimes against victims with disabilities occur in the  
39 jurisdiction of every law enforcement agency and every district  
40 attorney’s office. Every law enforcement officer encounters persons

1 with disabilities who may be particularly vulnerable to crime and  
2 who have a disproportionately high likelihood of becoming victims.

3 (i) Persons with disabilities in specific population groups,  
4 including all of the following, often become victims of serious  
5 crime, frequently including domestic violence and sexual assault:

6 (1) Children.

7 (2) Elders.

8 (3) Homeless persons.

9 (4) Inmates of prisons, jails, and other incarceration facilities.

10 (5) Residents of public and private treatment and care facilities  
11 of all kinds.

12 (j) Many crimes against victims with disabilities are motivated  
13 in whole or in part by preexisting negative attitudes toward the  
14 victims' disabilities, including hostility to persons who arouse  
15 guilt, fear of or revulsion to persons whose visible traits are  
16 disturbing to others, a perception that persons with disabilities are  
17 inferior or deserving of victimization, belief that persons with  
18 particular disabilities are weak and therefore easy targets, and  
19 resentment of those who need and increasingly demand alternative  
20 physical and social accommodations. Law enforcement agencies  
21 must investigate these crimes as hate crimes and report them to  
22 the Department of Justice as Section 13023 of the Penal Code  
23 requires.

24 (k) Preventing, recognizing, and responding to crimes against  
25 victims with disabilities often require special training, which all  
26 officers should receive. Investigating and successfully prosecuting  
27 these crimes often require more advanced training, which some  
28 officers in every agency should receive.

29 SEC. 3. The Legislature strongly encourages each law  
30 enforcement agency, including those with jurisdictions covering  
31 treatment or local incarceration facilities, to do each of the  
32 following:

33 (a) Designate a unit, or an appropriate number of officers, to do  
34 each of the following:

35 (1) Investigate crimes against victims with disabilities.

36 (2) Train, assist, and consult with other officers in cases  
37 involving victims, suspects, or witnesses with disabilities.

38 (3) Act as a liaison to members of the disability community to  
39 train them concerning crime prevention and response, obtain their

1 cooperation with law enforcement, and convey their concerns to  
2 the law enforcement agency.

3 (b) Provide advanced officer training concerning crimes against  
4 victims with disabilities to each officer designated under  
5 subdivision (a).

6 SEC. 4. The Legislature strongly encourages each law  
7 enforcement agency, in consultation with the district attorney or  
8 attorney general, to adopt a general order or other formal policy  
9 on prevention of and response to crimes against people with  
10 disabilities and dealing effectively and humanely with victims,  
11 witnesses, and suspects with disabilities. The policy should include,  
12 but not be limited to, both of the following:

13 (a) Laws including those listed in subdivision (d) of Section  
14 368.5 of the Penal Code.

15 (b) Methods to establish probable cause in these cases, including  
16 by crediting statements by victims and witnesses with disabilities.

17 SEC. 5. The Legislature strongly encourages each district  
18 attorney to do each of the following:

19 (a) Designate investigators to take each of the actions described  
20 in Section 3 of this act, including support of local law enforcement  
21 agencies that lack the resources to take those actions.

22 (b) Place a priority on prosecution of crimes against people with  
23 disabilities in order to provide them with equal protection. This  
24 should include consideration of both of the following:

25 (1) Establishing a vertical prosecution unit for crimes against  
26 victims with disabilities or against both victims with disabilities  
27 and other vulnerable victims.

28 (2) Providing incentives for deputies to prosecute cases of crimes  
29 against victims with disabilities that may have below-average  
30 conviction rates.

31 SEC. 6. The heading of Chapter 13 (commencing with Section  
32 368) is added to Title 9 of Part 1 of the Penal Code, immediately  
33 preceding Section 368, to read:

34  
35 CHAPTER 13. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,  
36 AND PERSONS WITH DISABILITIES  
37

38 SEC. 7. Section 368.1 is added to the Penal Code, to read:

39 368.1. (a) Local law enforcement agencies, and state law  
40 enforcement agencies with jurisdiction, have concurrent jurisdiction

1 for investigation of elder and dependent adult abuse. Adult  
2 protective services agencies and the local long-term care  
3 ombudsman programs also have jurisdiction to investigate elder  
4 and dependent adult abuse within their statutory authority.

5 (b) The Legislature strongly encourages law enforcement  
6 agencies to cooperate with adult protective services agencies, local  
7 long-term care ombudsman programs, the protection and advocacy  
8 agency that the Governor designates pursuant to Section 4900 of  
9 the Welfare and Institutions Code, and all other agencies carrying  
10 out their statutory responsibilities or otherwise serving victims.  
11 However, law enforcement agencies shall retain ultimate  
12 responsibility for criminal investigations.

13 (c) In any case in which a law enforcement agency with  
14 jurisdiction determines that there is reasonable suspicion of abuse  
15 or other crime against an elder or dependent adult, the law  
16 enforcement agency may direct the adult protective services agency  
17 or local long-term care ombudsman program to take a supportive  
18 role in the investigation until the criminal phase of the investigation  
19 is complete. Nothing in this subdivision prevents an adult protective  
20 services agency or local long-term case ombudsman program from  
21 providing services to the victim or engaging in any other activity  
22 that does not interfere with or compromise a criminal investigation.

23 SEC. 8. Section 368.5 is added to the Penal Code, to read:

24 368.5. By February 1, 2010, the Department of Justice shall  
25 electronically send a bulletin to the executive of each state and  
26 local law enforcement agency and to each district attorney. The  
27 content of the bulletin shall include, but not be limited to, each of  
28 the following sections, entitled and described as follows:

29 (a) “New Law: Importance and Urgency.” This section shall  
30 include a statement of the importance and urgency that the law  
31 now places on arresting and convicting criminals who commit  
32 crimes against victims with disabilities and on assisting their  
33 victims, as demonstrated by enactment of the Crime Victims with  
34 Disabilities Act of 2009.

35 (b) “An Invisible Epidemic.” This section shall quote the  
36 findings of subdivisions (g) to (k), inclusive, of Section 2 of the  
37 Crime Victims with Disabilities Act of 2009.

38 (c) “Requirements and Recommendations.” This section shall  
39 include the following requirements and recommendations for law  
40 enforcement agencies and district attorneys:

1 (1) The requirement that state law enforcement agencies provide  
2 training to their peace officers using the telecourse “Crime Victims  
3 with Disabilities” pursuant to subdivision (a) of Section 13519.65.

4 (2) The strong encouragement that local law enforcement  
5 agencies provide training to their officers using the telecourse  
6 “Crime Victims with Disabilities,” and that they provide this  
7 training in conjunction with people with disabilities and local  
8 agencies and organizations that serve and advocate for people with  
9 disabilities and that they invite people with disabilities and those  
10 local organizations to attend the training sessions and discuss the  
11 problems with the agency’s officers, pursuant to subdivision (b)  
12 of Section 13519.65.

13 (3) The requirement that every city police officer or deputy  
14 sheriff at a supervisory level and below who is assigned field or  
15 investigative duties shall complete an elder and dependent adult  
16 abuse training course certified by the Commission on Peace Officer  
17 Standards and Training within 18 months of assignment to field  
18 duties, pursuant to Section 13515.

19 (4) The requirement that law enforcement agencies cross-report  
20 abuse and neglect of elders and dependent adults to adult protective  
21 services agencies, local long-term care ombudsman programs, and  
22 state agencies, pursuant to Section 15650 of the Welfare and  
23 Institutions Code.

24 (5) The requirement that local law enforcement agencies provide  
25 the telecourse “Law Enforcement Response to Homelessness  
26 Update” to their officers, and the strong encouragement that local  
27 law enforcement agencies provide this training in conjunction with  
28 homeless and formerly homeless persons, local agencies, and  
29 organizations that serve homeless and formerly homeless people,  
30 including homeless persons with disabilities, and invite those local  
31 organizations to attend the training sessions and discuss the  
32 problem of crime against homeless victims and law enforcement  
33 response to homelessness with the agency’s officers, pursuant to  
34 paragraph (2) of subdivision (b) of Section 13519.64.

35 (6) The strong encouragement that each law enforcement agency  
36 designate a unit, or an appropriate number of officers, to do all of  
37 the following pursuant to Section 3 of the Crime Victims with  
38 Disabilities Act of 2009:

39 (A) Investigate crimes against victims with disabilities.

1 (B) Train, assist, and consult with other officers in cases  
2 involving victims, suspects, or witnesses with disabilities.

3 (C) Act as liaison to the disability community.

4 (D) Receive relevant advanced officer training.

5 (7) The strong encouragement that law enforcement agencies  
6 enter into memoranda of understanding with adult protective  
7 services agencies, local long-term care ombudsman programs, and  
8 others to guide their exercise of their concurrent jurisdictions under  
9 this section and carry out their mandated reporter requirements  
10 and their cross-reporting requirements and other responsibilities,  
11 pursuant to Section 368.1.

12 (8) The strong encouragement that each law enforcement  
13 agency, in consultation with the district attorney or the attorney  
14 general, adopt a general order or other formal policy on prevention  
15 of and response to crimes against people with disabilities and  
16 dealing effectively and humanely with victims, witnesses, and  
17 suspects with disabilities, pursuant to Section 4 of the Crime  
18 Victims with Disabilities Act of 2009. The law enforcement agency  
19 policy should address, but not be limited to, relevant laws,  
20 including those listed in subdivision (d).

21 (9) The strong encouragement that each local law enforcement  
22 agency adopt a general order or other formal policy on prevention  
23 and response to crimes against homeless persons, including  
24 homeless persons with disabilities and homeless youth, and on  
25 dealing effectively and humanely with homeless persons, based  
26 on the telecourse “Law Enforcement Response to Homelessness  
27 Update” and on the 2002 California Department of Justice report  
28 “Special Report to the Legislature on Senate Resolution 18: Crimes  
29 Against Homeless Persons,” as provided in subdivision (c) of  
30 Section 13519.64.

31 (10) The strong encouragement that each district attorney do  
32 both of the following:

33 (A) Designate investigators to carry out the same functions as  
34 the designated officers in paragraph (6), including support of local  
35 law enforcement agencies that lack the resources to take those  
36 actions.

37 (B) Place a priority on prosecuting crimes against people with  
38 disabilities, including the consideration of establishing a vertical  
39 prosecution unit and providing incentives for deputies to prosecute  
40 cases of crimes against victims with disabilities that may have a

1 below-average conviction rate, as described in Section 5 of the  
2 Crime Victims with Disabilities Act of 2009.

3 (d) “Training.” This section shall strongly encourage law  
4 enforcement executives to provide training for their agencies’  
5 supervisors and officers on the following provisions of law, in  
6 addition to the training described in the “Requirements and  
7 Recommendations” section of the bulletin:

8 (1) The extent of the problem, as described in Section 2 of the  
9 Crime Victims with Disabilities Act of 2009.

10 (2) The new, clear statutory declaration that abuse is a crime  
11 over which local law enforcement agencies and state law  
12 enforcement agencies with jurisdiction have concurrent jurisdiction.  
13 Law enforcement agencies, the local long-term care ombudsman  
14 program, and the adult protective services agency are encouraged  
15 to cooperate with each other in an investigation to the maximum  
16 extent practicable. However, the law enforcement agencies have  
17 ultimate responsibility for criminal investigations, as provided in  
18 Section 368.1 of this code and Section 15650 of the Welfare and  
19 Institutions Code.

20 (3) Law enforcement tools including, but not limited to,  
21 emergency protective orders that officers can obtain by phone at  
22 any hour of the day or night, as described in Part 3 (commencing  
23 with Section 6240) of Division 10 of the Family Code.

24 (4) The requirements placed on employees of local law  
25 enforcement agencies as mandated reporters of abuse, including  
26 neglect of elders and dependent adults, as provided in Section  
27 15630 of the Welfare and Institutions Code.

28 (5) The inclusion of disability as a protected characteristic in  
29 the hate crime laws, described in Chapter 1 (commencing with  
30 Section 422.55) of Title 11.6 of Part 1.

31 (e) The training section of the bulletin also shall list relevant  
32 training materials produced or certified by the Commission on  
33 Peace Officer Standards and Training, including materials produced  
34 pursuant to Sections 13515, 13515.25, 13519.2, 13519.4, 13519.6,  
35 and 13519.64, and by the Bureau of Medi-Cal Fraud and Elder  
36 Abuse.

37 SEC. 9. Section 11163.6 of the Penal Code is amended to read:

38 11163.6. In order to ensure consistent and uniform results, data  
39 may be collected and summarized by the domestic violence death  
40 review teams to show the statistical occurrence of domestic

1 violence deaths in the team’s county that occur under the following  
2 circumstances:

3 (a) The deceased was a victim of a homicide committed by a  
4 current or former spouse, fiancé, or dating partner.

5 (b) The deceased was the victim of a suicide, was the current  
6 or former spouse, fiancé, or dating partner of the perpetrator and  
7 was also the victim of previous acts of domestic violence.

8 (c) The deceased was the perpetrator of the homicide of a former  
9 or current spouse, fiancé, or dating partner and the perpetrator was  
10 also the victim of a suicide.

11 (d) The deceased was the perpetrator of the homicide of a former  
12 or current spouse, fiancé, or dating partner and the perpetrator was  
13 also the victim of a homicide related to the domestic homicide  
14 incident.

15 (e) The deceased was a child of either the homicide victim or  
16 the perpetrator, or both.

17 (f) The deceased was a current or former spouse, fiancé, or  
18 dating partner of the current or former spouse, fiancé, or dating  
19 partner of the perpetrator.

20 (g) The deceased was a law enforcement officer, emergency  
21 medical personnel, or other agency responding to a domestic  
22 violence incident.

23 (h) The deceased was a family member, other than identified  
24 above, of the perpetrator.

25 (i) The deceased was the perpetrator of the homicide of a family  
26 member, other than identified above.

27 (j) *The deceased had a disability and the homicide was related*  
28 *to domestic violence.*

29 (j)

30 (k) The deceased was a person not included in the above  
31 categories and the homicide was related to domestic violence.

32 SEC. 10. Section 11174.35 of the Penal Code is amended to  
33 read:

34 11174.35. The State Department of Social Services shall work  
35 with state and local child death review teams and child protective  
36 services agencies in order to identify child death cases that were,  
37 or should have been, reported to or by county child protective  
38 services agencies. Findings made pursuant to this section shall be  
39 used to determine the extent of child abuse or neglect fatalities  
40 occurring in families known to child protective services agencies

1 and to define child welfare training needs for reporting,  
 2 cross-reporting, data integration, and involvement by child  
 3 protective services agencies in multiagency review in child deaths.  
 4 The State Department of Social Services, the State Department of  
 5 *Public Health Services*, and the Department of Justice, *working*  
 6 *with the relevant subject matter experts from among those listed*  
 7 *in Section 15591 of the Welfare and Institutions Code*, shall  
 8 develop a plan to track and maintain data on child deaths from  
 9 abuse or neglect, ~~and submit this plan, not later than December 1,~~  
 10 ~~1997, to the Senate Committee on Health and Human Services,~~  
 11 ~~the Assembly Committee on Human Services, and the chairs of~~  
 12 ~~the fiscal committees of the Legislature.~~ *including crimes against*  
 13 *children with disabilities. Subject to the availability of funding,*  
 14 *the plan to track and maintain data shall be updated by January*  
 15 *1, 2011.*

16 SEC. 11. The heading of Article 2.7 (commencing with Section  
 17 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code is  
 18 amended to read:

19  
 20 Article 2.7. Elder *and Dependent Adult* Death Review Teams  
 21

22 SEC. 12. Section 11174.5 of the Penal Code is amended to  
 23 read:

24 11174.5. (a) Each county may establish an interagency elder  
 25 *and dependent adult* death team to assist local agencies in  
 26 identifying and reviewing suspicious elder *and dependent adult*  
 27 deaths and facilitating communication among persons who perform  
 28 autopsies and the various persons and agencies involved in elder  
 29 *and dependent adult* abuse ~~or~~ *cases, including* neglect cases.

30 (b) Each county may develop a protocol that may be used as a  
 31 guideline by persons performing autopsies on ~~elder~~ *elders and*  
 32 *dependent adults* to assist coroners and other persons who perform  
 33 autopsies in the identification of elder *and dependent adult* abuse,  
 34 in the determination of whether elder *or dependent adult* abuse ~~or~~  
 35 neglect contributed to death or whether elder ~~abuse or neglect~~  
 36 *dependent adult abuse* had occurred prior to, but was not the actual  
 37 cause of, death, and in the proper written reporting procedures for  
 38 elder *and dependent adult* abuse ~~or neglect~~, including the  
 39 designation of the cause and mode of death.

1 SEC. 13. Section 11174.7 of the Penal Code is amended to  
2 read:

3 11174.7. (a) An oral or written communication or a document  
4 shared within or produced by an elder *and dependent adult* death  
5 review team related to an elder *or dependent adult* death review  
6 is confidential and not subject to disclosure or discoverable by  
7 another third party.

8 (b) An oral or written communication or a document provided  
9 by a third party to an elder *and dependent adult* death review team,  
10 or between a third party and an elder *and dependent adult* death  
11 review team, is confidential and not subject to disclosure or  
12 discoverable by a third party.

13 (c) Notwithstanding subdivisions (a) and (b), recommendations  
14 of an elder *and dependent adult* death review team upon the  
15 completion of a review may be disclosed at the discretion of a  
16 majority of the members of the elder *and dependent adult* death  
17 review team.

18 SEC. 14. Section 13519.64 of the Penal Code is amended to  
19 read:

20 13519.64. (a) The Legislature finds and declares that research,  
21 including “Special Report to the Legislature on Senate Resolution  
22 18: Crimes Committed Against Homeless Persons” by the  
23 Department of Justice (2002); “*Crimes Against Homeless Persons*”  
24 and “*Crimes Against Persons with Disabilities*” in “*Protecting*  
25 *Californians from Hate Crimes: A Progress Report*” by the Senate  
26 *Office of Research* (2004); “*Voices from the Street: A Survey of*  
27 *Homeless Youth by Their Peers*” by the California Research  
28 *Bureau* (2008); and “Hate, Violence, and Death *On Main Street*  
29 *USA: A Report on Hate Crimes and Violence Against People*  
30 *Experiencing Homelessness—~~from 1999–2002~~ 2007*” by the  
31 National Coalition for the Homeless ~~demonstrate~~ *and the National*  
32 *Law Center on Homelessness and Poverty* (2008), *has*  
33 *demonstrated* that California has ~~had~~ serious ~~and~~ unaddressed  
34 problems of crime against homeless persons, including homeless  
35 persons with disabilities *and homeless youth*.

36 (b) (1) By July 1, 2005, the Commission on Peace Officer  
37 Standards and Training, using available funding, shall develop a  
38 two-hour telecourse to be made available to all law enforcement  
39 agencies in California on crimes against homeless persons and on  
40 how to deal effectively and humanely with homeless persons,

1 including homeless persons with disabilities. The telecourse shall  
2 include information on multimission criminal extremism, as defined  
3 in Section 13519.6. In developing the telecourse, the commission  
4 shall consult subject-matter experts including, but not limited to,  
5 homeless and formerly homeless persons in California, service  
6 providers and advocates for homeless persons in California, experts  
7 on the disabilities that homeless persons commonly suffer, the  
8 California Council of Churches, the National Coalition for the  
9 Homeless, the Senate Office of Research, and the Criminal Justice  
10 Statistics Center of the Department of Justice.

11 (2) ~~Every state law enforcement agency, and every~~ local law  
12 enforcement agency, to the extent that this requirement does not  
13 create a state-mandated local program cost, shall provide the  
14 telecourse, *“Law Enforcement Response to Homelessness*  
15 *Update,”* to its peace officers. *The Legislature strongly encourages*  
16 *local law enforcement agencies to provide this training in*  
17 *conjunction with homeless and formerly homeless persons and*  
18 *local agencies and organizations that serve homeless persons,*  
19 *including homeless persons with disabilities and homeless youth,*  
20 *and to invite homeless and formerly homeless persons and those*  
21 *local organizations to attend the training sessions and discuss the*  
22 *problem of crime against homeless victims and law enforcement*  
23 *response to homelessness with the agencies’ officers.*

24 (c) *The Legislature strongly encourages each local law*  
25 *enforcement agency to adopt a general order or other formal policy*  
26 *on prevention of and response to crimes against homeless persons,*  
27 *including homeless persons with disabilities and homeless youth,*  
28 *and on dealing effectively and humanely with homeless persons,*  
29 *based on the telecourse “Law Enforcement Response to*  
30 *Homelessness Update” and the 2002 Department of Justice report*  
31 *“Special Report to the Legislature on Senate Resolution 18: Crimes*  
32 *Against Homeless Persons,” and taking into account other relevant*  
33 *information including, but not limited to, the research listed in*  
34 *subdivision (a).*

35 SEC. 15. Section 13519.65 is added to the Penal Code, to read:

36 13519.65. (a) (1) Every state law enforcement agency shall  
37 provide training to its peace officers using the telecourse “Crime  
38 Victims with Disabilities,” produced by the Commission on Peace  
39 Officer Standards and Training and the Department of Justice.  
40 This requirement shall take effect if the commission, the

1 department, or both the commission and the department update  
2 the telecourse to reflect changes in law, standards, and information  
3 since they produced the telecourse in 2002.

4 (2) The requirement of paragraph (1) replaces the requirement  
5 of the portion of paragraph (2) of subdivision (b) of Section  
6 13519.64 that was repealed by the act of the 2009–10 regular  
7 session of the Legislature that enacted this section, and does not  
8 create a new cost.

9 (b) Every local law enforcement agency may provide training  
10 to its officers using the telecourse “Crime Victims with  
11 Disabilities,” and the Legislature strongly encourages each local  
12 law enforcement agency to do so if the commission, the  
13 department, or both the commission and the department update  
14 the telecourse. The Legislature encourages law enforcement  
15 agencies to provide this training in conjunction with people with  
16 disabilities and local agencies and organizations that serve and  
17 advocate for people with disabilities and to invite people with  
18 disabilities and those local organizations to attend the training  
19 sessions and discuss the problem with the agency’s officers.

20 SEC. 16. Section 13823.7 of the Penal Code is amended to  
21 read:

22 13823.7. The protocol adopted pursuant to Section 13823.5  
23 for the examination and treatment of victims of sexual assault or  
24 attempted sexual assault, including child molestation *and the sexual*  
25 *assault of victims with disabilities*, and the collection and  
26 preservation of evidence therefrom shall include provisions for all  
27 of the following:

28 (a) Notification of injuries and a report of suspected child sexual  
29 abuse to law enforcement authorities.

30 (b) Obtaining consent for the examination, for the treatment of  
31 injuries, for the collection of evidence, and for the photographing  
32 of injuries.

33 (c) Taking a patient history of sexual assault and other relevant  
34 medical history.

35 (d) Performance of the physical examination for evidence of  
36 sexual assault.

37 (e) Collection of physical evidence of assault.

38 (f) Collection of other medical specimens.

39 (g) Procedures for the preservation and disposition of physical  
40 evidence.

1 SEC. 17. Section 13823.9 of the Penal Code is amended to  
2 read:

3 13823.9. (a) Every public or private general acute care hospital  
4 that examines a victim of sexual assault or attempted sexual assault,  
5 including child molestation *and the sexual assault of victims with*  
6 *disabilities*, shall comply with the standards specified in Section  
7 13823.11 and the protocol and guidelines adopted pursuant to  
8 Section 13823.5.

9 (b) Each county with a population of more than 100,000 shall  
10 arrange that professional personnel trained in the examination of  
11 victims of sexual assault, including child molestation *and the sexual*  
12 *assault of victims with disabilities*, shall be present or on call either  
13 in the county hospital which provides emergency medical services  
14 or in any general acute care hospital which has contracted with  
15 the county to provide emergency medical services. In counties  
16 with a population of 1,000,000 or more, the presence of these  
17 professional personnel shall be arranged in at least one general  
18 acute care hospital for each 1,000,000 persons in the county.

19 (c) Each county shall designate at least one general acute care  
20 hospital to perform examinations on victims of sexual assault,  
21 including child molestation *and the sexual assault of victims with*  
22 *disabilities*.

23 (d) (1) The protocol published by the agency or agencies  
24 designated by the Director of Finance pursuant to Section 13820  
25 shall be used as a guide for the procedures to be used by every  
26 public or private general acute care hospital in the state for the  
27 examination and treatment of victims of sexual assault and  
28 attempted sexual assault, including child molestation *and the sexual*  
29 *assault of victims with disabilities*, and the collection and  
30 preservation of evidence therefrom.

31 (2) The informational guide developed by the agency or agencies  
32 designated by the Director of Finance pursuant to Section 13820  
33 shall be consulted where indicated in the protocol, as well as to  
34 gain knowledge about all aspects of examination and treatment of  
35 victims of sexual assault and child molestation.

36 SEC. 18. Section 13823.13 of the Penal Code is amended to  
37 read:

38 13823.13. (a) The agency or agencies designated by the  
39 Director of Finance pursuant to Section 13820 shall develop a  
40 course of training for qualified health care professionals relating

1 to the examination and treatment of victims of sexual assault,  
2 *including child victims and victims with disabilities*. In developing  
3 the curriculum for the course, the agency or agencies designated  
4 by the Director of Finance pursuant to Section 13820 shall consult  
5 with health care professionals and appropriate law enforcement  
6 agencies. The agency or agencies designated by the Director of  
7 Finance pursuant to Section 13820 shall also obtain  
8 recommendations from the same health care professionals and  
9 appropriate law enforcement agencies on the best means to  
10 disseminate the course of training on a statewide basis.

11 (b) The training course developed pursuant to subdivision (a)  
12 shall be designed to train qualified health care professionals to do  
13 all of the following:

14 (1) Perform a health assessment of victims of sexual assault in  
15 accordance with any applicable minimum standards set forth in  
16 Section 13823.11.

17 (2) Collect and document physical and laboratory evidence in  
18 accordance with any applicable minimum standards set forth in  
19 Section 13823.11.

20 (3) Provide information and referrals to victims of sexual assault  
21 to enhance the continuity of care of victims.

22 (4) Present testimony in court.

23 (c) As used in this section, “qualified health care professional”  
24 means a physician and surgeon currently licensed pursuant to  
25 Chapter 5 (commencing with Section 2000) of Division 2 of the  
26 Business and Professions Code, or a nurse currently licensed  
27 pursuant to Chapter 6 (commencing with Section 2700) of Division  
28 2 of the Business and Professions Code who works in consultation  
29 with a physician and surgeon or who conducts examinations  
30 described in Section 13823.9 in a general acute care hospital or in  
31 the office of a physician and surgeon.

32 (d) As used in this section, “appropriate law enforcement  
33 agencies” may include, but shall not be limited to, the Attorney  
34 General of the State of California, any district attorney, and any  
35 agency of the State of California expressly authorized by statute  
36 to investigate or prosecute law violators.

37 SEC. 19. Section 13823.16 of the Penal Code is amended to  
38 read:

39 13823.16. (a) The Comprehensive Statewide Domestic  
40 Violence Program established pursuant to Section 13823.15 shall

1 be collaboratively administered by the ~~Office of Emergency~~  
2 ~~Services (OES)~~ *California Emergency Management Agency* and  
3 an advisory council. The membership of the ~~OES~~ Domestic  
4 Violence Advisory Council shall consist of experts in the provision  
5 of either direct or intervention services to battered women and  
6 their children, within the scope and intention of the ~~OES~~ Domestic  
7 Violence Assistance Program.

8 (b) The membership of the council shall consist of domestic  
9 violence victims' advocates, battered women service providers, at  
10 least one representative of service providers serving the lesbian,  
11 gay, bisexual, and transgender community in connection with  
12 domestic violence, and representatives of women's organizations,  
13 law enforcement, and other groups involved with domestic  
14 violence. At least one-half of the council membership shall consist  
15 of domestic violence victims' advocates or battered women service  
16 providers from organizations such as the California Partnership to  
17 End Domestic Violence. It is the intent of the Legislature that the  
18 council membership reflect the ethnic, racial, cultural, and  
19 geographic diversity of the state, *including people with disabilities*.  
20 The council shall be composed of no more than 13 voting members  
21 and two nonvoting ex officio members who shall be appointed, as  
22 follows:

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

24 (2) Three voting members shall be appointed by the Speaker of  
25 the Assembly.

26 (3) Three voting members shall be appointed by the Senate  
27 Committee on Rules.

28 (4) Two nonvoting ex officio members shall be Members of the  
29 Legislature, one appointed by the Speaker of the Assembly and  
30 one appointed by the Senate Committee on Rules. Any Member  
31 of the Legislature appointed to the council shall meet with the  
32 council and participate in its activities to the extent that  
33 participation is not incompatible with his or her position as a  
34 Member of the Legislature.

35 (c) The ~~OES~~ *California Emergency Management Agency* shall  
36 collaborate closely with the council in developing funding  
37 priorities, framing the request for proposals, and soliciting  
38 proposals.

39 (d) This section shall remain in effect only until January 1, ~~2010~~  
40 *2015*, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2010~~ 2015, deletes or extends  
2 that date.

3 SEC. 20. Section 13836 of the Penal Code is amended to read:

4 13836. (a) The agency or agencies designated by the Director  
5 of Finance pursuant to Section 13820 shall establish an advisory  
6 committee which shall develop a course of training for district  
7 attorneys in the investigation and prosecution of sexual assault  
8 cases, child sexual exploitation cases, and child sexual abuse cases  
9 and shall approve grants awarded pursuant to Section 13837. The  
10 courses shall include training in the unique emotional trauma  
11 experienced by victims of these crimes *and the special problems*  
12 *of investigating and prosecuting these crimes when committed*  
13 *against individuals with disabilities.*

14 It

15 (b) It is the intent of the Legislature in the enactment of this  
16 chapter to encourage the establishment of sex crime prosecution  
17 units, which shall include, but not be limited to, child sexual  
18 exploitation and child sexual abuse cases, in district attorneys'  
19 offices throughout the state.

20 SEC. 21. Section 13836.1 of the Penal Code is amended to  
21 read:

22 13836.1. (a) The committee shall consist of 11 members. Five  
23 shall be appointed by the executive director of the agency or  
24 agencies designated by the Director of Finance pursuant to Section  
25 13820, and shall include three district attorneys or assistant or  
26 deputy district attorneys, one representative of a city police  
27 department or a sheriff or a representative of a sheriff's department,  
28 and one public defender or assistant or deputy public defender of  
29 a county. Six shall be public members appointed by the  
30 Commission on the Status of Women, and shall include one  
31 representative of a rape crisis center, *one expert on crimes against*  
32 *persons with disabilities*, and one medical professional experienced  
33 in dealing with sexual assault trauma victims. The committee  
34 members shall represent the points of view of diverse ethnic and  
35 language groups.

36 (b) *The requirement that the Commission on the Status of*  
37 *Women appoint an expert on crimes against victims with*  
38 *disabilities shall take effect upon the occurrence of the first vacancy*  
39 *for a member appointed by the commission, other than the member*

1 *who represents a rape crisis center or the member who is a medical*  
2 *professional, on or after January 1, 2010.*

3 **Members**

4 *(c) Members* of the committee shall receive no compensation  
5 for their services but shall be reimbursed for their expenses actually  
6 and necessarily incurred by them in the performance of their duties.  
7 Staff support for the committee shall be provided by the agency  
8 or agencies designated by the Director of Finance pursuant to  
9 Section 13820.

10 SEC. 22. Section 14213 of the Penal Code is amended to read:

11 14213. (a) As used in this title, “missing person” includes, but  
12 is not limited to, a child who has been taken, detained, concealed,  
13 enticed away, or retained by a parent in violation of Chapter 4  
14 (commencing with Section 277) of Title 9 of Part 1. It also includes  
15 any child who is missing voluntarily or involuntarily, or under  
16 circumstances not conforming to his or her ordinary habits or  
17 behavior and who may be in need of assistance.

18 (b) As used in this title, “evidence that the person is at risk”  
19 includes, but is not limited to, evidence or indications of any of  
20 the following:

- 21 (1) The person missing is the victim of a crime or foul play.
- 22 (2) The person missing is in need of medical attention.
- 23 (3) The person missing has no pattern of running away or  
24 disappearing.
- 25 (4) The person missing may be the victim of parental abduction.
- 26 (5) The person missing ~~is mentally impaired~~ *has a mental or*  
27 *physical disability.*

28 (c) As used in this title, “child” is any person under the age of  
29 18.

30 (d) As used in this title, “center” means the Violent Crime  
31 Information Center.

32 (e) As used in this title, “dependent adult” is any person  
33 described in subdivision ~~(e)~~ (h) of Section 368.

34 (f) As used in this title, “dental or medical records or X-rays,”  
35 include all those records or X-rays which are in the possession of  
36 a dentist, physician and surgeon, or medical facility.

37 SEC. 23. Section 4427 of the Welfare and Institutions Code is  
38 amended to read:

39 4427. (a) When the department has reason to believe that any  
40 person held in custody as developmentally disabled is wrongfully

1 deprived of his *or her* liberty, ~~or~~ is cruelly or negligently treated,  
2 ~~or~~ that inadequate provision is made for the skillful medical care,  
3 proper supervision, and safekeeping of any such person, it may  
4 ascertain the facts. It may issue compulsory process for the  
5 attendance of witnesses and the production of papers, and may  
6 exercise the powers conferred upon a referee in a superior court.  
7 It may make such orders for the care and treatment of such person  
8 as it deems proper. *that person, or is otherwise the victim of a*  
9 *crime, the department shall do either of the following:*

10 (1) *Report the case immediately to the local police department*  
11 *or sheriff's office that has jurisdiction.*

12 (2) *Ascertain the facts. It may issue compulsory process for the*  
13 *attendance of witnesses and the production of papers, and may*  
14 *exercise the powers conferred upon a referee in a superior court.*  
15 *It may make such orders for the care and treatment of that person*  
16 *as it deems proper. If the department ascertains that the person is*  
17 *the victim of a crime, the department shall report the case*  
18 *immediately to the local law enforcement agency that has*  
19 *jurisdiction.*

20 ~~Whenever~~

21 (b) Whenever the department undertakes an investigation into  
22 the general management and administration of any establishment  
23 or place of detention for the developmentally disabled, it may give  
24 notice of such investigation to the Attorney General, who shall  
25 appear personally or by deputy, to examine witnesses in attendance  
26 and to assist the department in the exercise of the powers conferred  
27 upon it in this code.

28 ~~The~~

29 (c) *The* department may at any time cause the patients of any  
30 county or city almshouse to be visited and examined, in order to  
31 ascertain if developmentally disabled persons are kept therein.

32 SEC. 24. Section 4427.5 of the Welfare and Institutions Code  
33 is amended to read:

34 4427.5. (a) (1) A developmental center shall immediately  
35 report all resident deaths and serious injuries of unknown origin  
36 to the appropriate *local* law enforcement agency ~~that~~, which may,  
37 at its discretion, conduct an independent investigation.

38 (2) *The reporting requirements of this subdivision are in*  
39 *addition to, and do not substitute for, the reporting requirements*  
40 *of mandated reporters.*

- 1 (b) The department shall do both of the following:
- 2 (1) Annually provide written information to every developmental
- 3 center employee regarding all of the following:
- 4 (A) The statutory and departmental requirements for mandatory
- 5 reporting of suspected or known abuse.
- 6 (B) The rights and protections afforded to individuals' reporting
- 7 of suspected or known abuse.
- 8 (C) The penalties for failure to report suspected or known abuse.
- 9 (D) The telephone numbers for reporting suspected or known
- 10 abuse *or neglect* to designated investigators of the department and
- 11 to local law enforcement agencies.
- 12 (2) On or before August 1, 2001, in consultation with employee
- 13 organizations, advocates, consumers, and family members, develop
- 14 a poster that encourages staff, residents, and visitors to report
- 15 suspected or known abuse and provides information on how to
- 16 make these reports.
- 17 SEC. 25. Section 4689.25 is added to the Welfare and
- 18 Institutions Code, to read:
- 19 4689.25. (a) (1) A nonlicensed regional center vendorized
- 20 service provider is authorized to submit fingerprint images and
- 21 related information of current or prospective employees or
- 22 volunteers, as specified in subdivision (c) of Section 4689.2, to
- 23 the Department of Justice for purposes of determining the existence
- 24 and content of records of arrest and conviction, including if the
- 25 person is free on bail or his or her own recognizance pending trial
- 26 or appeal.
- 27 (2) If it is found that the person has ever been arrested,
- 28 convicted, or is free on bail or his or her own recognizance pending
- 29 trial or appeal, the department shall notify the service provider of
- 30 that fact. If no criminal record information has been recorded, the
- 31 department shall provide the service provider with a statement of
- 32 that fact.
- 33 (3) A nonlicensed regional center vendorized service provider
- 34 may request subsequent arrest notification from the department
- 35 and, should the employee or volunteer subsequently be arrested,
- 36 the department shall provide the service provider with a statement
- 37 of that fact.
- 38 (4) The department shall charge a fee to the service provider
- 39 sufficient to cover the costs of processing the requests authorized
- 40 in this section.

1 (b) A nonlicensed regional center vendorized service provider  
2 may use the initial or subsequent responses from the department  
3 in decisions regarding employment, relocation, and termination  
4 of an employee or volunteer, except as prohibited by law.

5 (c) The Legislature strongly encourages each nonlicensed  
6 regional center vendorized service provider to take the action  
7 authorized in subdivision (a) in order to protect consumers from  
8 abuse, neglect, and other crimes.

9 (d) (1) Except as provided in paragraph (2), a nonlicensed  
10 regional center vendorized service provider that does not take the  
11 actions authorized by subdivision (a) shall provide a disclosure to  
12 each consumer served and to each referring regional center that  
13 current or prospective employees and volunteers have not been  
14 subject to a fingerprint-based Department of Justice criminal record  
15 search. The nonlicensed regional center vendorized service provider  
16 shall provide the disclosure to all current consumers and the  
17 referring regional centers by August 1, 2010. The service provider  
18 shall provide the disclosure to each new consumer before the  
19 consumer receives any services from the service provider's  
20 employee or volunteer.

21 (2) Family home agencies, as defined in subdivision (c) of  
22 Section 4689.1, family homes, as defined in subdivision (b) of  
23 Section 4689.1, parent vendors, and consumer vendors who provide  
24 services for themselves are exempt from the requirements of  
25 paragraph (1).

26 (3) Compliance with paragraph (1) shall not relieve a  
27 nonlicensed regional center vendorized service provider or any  
28 other person of any liability for the consequences of not taking the  
29 actions authorized by subdivision (a).

30 (e) No nonlicensed regional center vendorized service provider  
31 may charge a fee to any employee, applicant, consumer, volunteer,  
32 or other person for any costs incurred by actions authorized by  
33 subdivision (a).

34 (f) This section shall become operative on July 1, 2010.

35 SEC. 26. Chapter 10.5 (commencing with Section 15590) is  
36 added to Part 3 of Division 9 of the Welfare and Institutions Code,  
37 to read:

1 CHAPTER 10.5. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,  
2 AND PEOPLE WITH DISABILITIES

3  
4 15590. (a) The Abuse Victims with Disabilities Think Tank  
5 of the California Emergency Management Agency shall convene  
6 a first meeting of a working group on crimes against elders,  
7 dependent adults, and people with disabilities, and shall invite  
8 subject matter experts including, but not limited to, those listed in  
9 Section 15591, to attend. Nothing in this section requires the think  
10 tank to convene any further meetings of the working group. The  
11 working group may organize itself, including by creating  
12 committees, and schedule future meetings.

13 (b) The working group may set goals for itself including the  
14 following:

15 (1) Developing one or more models of memoranda of  
16 understanding that appropriate agencies and organizations may  
17 adopt. The model or models may include protocols covering  
18 subjects including, but not limited to, responsibilities for first  
19 response to reports of crimes, multidisciplinary teamwork including  
20 joint visiting and interviewing where appropriate, provision of  
21 victim advocacy and victim and witness translation services, and  
22 carrying out individual mandated reporter requirements and agency  
23 cross-reporting requirements.

24 (2) Making recommendations to the Governor and Legislature  
25 for reform of mandated reporter requirements and of investigation  
26 and jurisdiction issues to provide equal protection to crime victims  
27 who are elders, dependent adults, and people with disabilities.

28 (c) Nothing in this section requires any state agency to  
29 participate in the working group if that participation would create  
30 a cost or to pay for travel or other expenses of any person attending  
31 working group meetings.

32 15591. "Subject matter experts" includes, but is not limited to,  
33 the following, or their successor organizations, the Aging Services  
34 of California; Arc of California; Associated Programs of the  
35 University of Southern California; Association of Regional Center  
36 Agencies; Autism Center for Excellence at California State  
37 University, Sacramento; California Assisted Living Association;  
38 California Association for Adult Day Services; California  
39 Association of Health Facilities; California Coalition Against  
40 Sexual Assault; California Consortium of Child Abuse Councils;

1 California County Welfare Directors; California Emergency  
2 Management Agency; California Foundation for Independent  
3 Living Centers; California Hospital Association; California  
4 Long-Term Care Ombudsman Program Association; California  
5 Partnership to End Domestic Violence; Consortium for Elder Abuse  
6 Prevention; Departments of Aging, Developmental Services,  
7 Justice, Mental Health, Public Health, Social Services, and  
8 Corrections and Rehabilitation; Disability Service Network; District  
9 Attorneys, Police Chiefs, and Sheriffs Associations; Los Angeles  
10 City Department on Disability; National Alliance for the Mentally  
11 Ill; Project REACH; Senate Office of Research; Sociology  
12 Departments of the University of California at Berkeley, Davis,  
13 and Irvine; State Council on Developmental Disabilities; State  
14 Office of Child Abuse Prevention; Tarjan Center of the University  
15 of California at Los Angeles; University Centers for Excellence  
16 in Developmental Disabilities at the University of California at  
17 Davis and Los Angeles and the University of Southern California;  
18 and the protection and advocacy agency that the Governor  
19 designates pursuant to Section 4900.

20 SEC. 27. Section 15610.19 of the Welfare and Institutions  
21 Code is amended to read:

22 15610.19. “Clergy member” means a priest, minister, rabbi,  
23 religious practitioner, or similar functionary of a church, *gurdwara*,  
24 *mandir*, *mosque*, synagogue, temple, ~~mosque~~, or *other* recognized  
25 religious denomination or organization. “Clergy member” does  
26 not include unpaid volunteers whose principal occupation or  
27 vocation does not involve active or ordained ministry in a ~~church~~,  
28 ~~synagogue~~, ~~temple~~, ~~mosque~~, or recognized religious denomination  
29 or organization, and who periodically visit ~~elder~~ *elders* or  
30 dependent adults on behalf of that ~~church~~, ~~synagogue~~, ~~temple~~,  
31 ~~mosque~~, or recognized religious denomination or organization.

32 SEC. 28. Section 15763 of the Welfare and Institutions Code  
33 is amended to read:

34 15763. (a) Each county shall establish an emergency response  
35 adult protective services program that shall provide in-person  
36 response, 24 hours per day, seven days per week, to reports of  
37 abuse of an elder or a dependent adult, for the purpose of providing  
38 immediate intake or intervention, or both, to new reports involving  
39 immediate life threats and to crises in existing cases. The program

1 shall include policies and procedures to accomplish all of the  
2 following:

3 (1) Provision of case management services that include  
4 investigation of the protection issues, assessment of the person's  
5 concerns, needs, strengths, problems, and limitations, stabilization  
6 and linking with community services, and development of a service  
7 plan to alleviate identified problems utilizing counseling,  
8 monitoring, followup, and reassessment.

9 (2) Provisions for emergency shelter or in-home protection to  
10 guarantee a safe place for the elder or dependent adult to stay until  
11 the dangers at home can be resolved.

12 (3) Establishment of multidisciplinary teams to develop  
13 interagency treatment strategies, to ensure maximum coordination  
14 with existing community resources, to ensure maximum access  
15 on behalf of elders and dependent adults, and to avoid duplication  
16 of efforts.

17 (b) (1) A county shall respond immediately to any report of  
18 imminent danger to an elder or dependent adult ~~residing~~ in other  
19 than a long-term care facility, as defined in Section 9701 of the  
20 Welfare and Institutions Code, or a residential facility, as defined  
21 in Section 1502 of the Health and Safety Code. For reports  
22 involving persons ~~residing~~ in a long-term care facility or a  
23 residential care facility, the county shall report to the local  
24 long-term care ombudsman program. Adult protective services  
25 staff shall consult, coordinate, and support efforts of the  
26 ombudsman program to protect vulnerable residents. Except as  
27 specified in paragraph (2), the county shall respond to all other  
28 reports of danger to an elder or dependent adult in other than a  
29 long-term care facility or residential care facility within 10 calendar  
30 days or as soon as practicably possible.

31 (2) An immediate or 10-day in-person response is not required  
32 when the county, based upon an evaluation of risk, determines and  
33 documents that the elder or dependent adult is not in imminent  
34 danger and that an immediate or 10-day in-person response is not  
35 necessary to protect the health or safety of the elder or dependent  
36 adult.

37 (3) The State Department of Social Services, in consultation  
38 with the County Welfare Directors Association, shall develop  
39 requirements for implementation of paragraph (2), including, but

1 not limited to, guidelines for determining appropriate application  
2 of this section and any applicable documentation requirements.

3 (4) Notwithstanding Chapter 3.5 (commencing with Section  
4 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
5 the department shall implement the requirements developed  
6 pursuant to paragraph (3) by means of all-county letters or similar  
7 instructions prior to adopting regulations for that purpose.  
8 Thereafter, the department shall adopt regulations in accordance  
9 with the requirements of Chapter 3.5 (commencing with Section  
10 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

11 (c) A county shall not be required to report or respond to a report  
12 pursuant to subdivision (b) that involves danger to an elder or  
13 dependent adult residing in any facility for the incarceration of  
14 prisoners that is operated by or under contract to the Federal Bureau  
15 of Prisons, the Department of Corrections, the California  
16 Department of the Youth Authority, a county sheriff's department,  
17 a county probation department, a city police department, or any  
18 other law enforcement agency when the abuse reportedly has  
19 occurred in that facility.

20 (d) A county shall provide case management services to elders  
21 and dependent adults who are determined to be in need of adult  
22 protective services for the purpose of bringing about changes in  
23 the lives of victims and to provide a safety net to enable victims  
24 to protect themselves in the future. Case management services  
25 shall include the following, to the extent services are appropriate  
26 for the individual:

27 (1) Investigation of the protection issues, including, but not  
28 limited to, social, medical, environmental, physical, emotional,  
29 and developmental.

30 (2) Assessment of the person's concerns and needs on whom  
31 the report has been made and the concerns and needs of other  
32 members of the family and household.

33 (3) Analysis of problems and strengths.

34 (4) Establishment of a service plan for each person on whom  
35 the report has been made to alleviate the identified problems.

36 (5) Client input and acceptance of proposed service plans.

37 (6) Counseling for clients and significant others to alleviate the  
38 identified problems and to implement the service plan.

39 (7) Stabilizing and linking with community services.

40 (8) Monitoring and followup.

1 (9) Reassessments, as appropriate.

2 (e) To the extent resources are available, each county shall  
3 provide emergency shelter in the form of a safe haven or in-home  
4 protection for victims. Shelter and care appropriate to the needs  
5 of the victim shall be provided for frail and disabled victims who  
6 are in need of assistance with activities of daily living.

7 (f) Each county shall designate an adult protective services  
8 agency to establish and maintain multidisciplinary teams including,  
9 but not limited to, adult protective services, law enforcement,  
10 probation departments, home health care agencies, hospitals, adult  
11 protective services staff, the public guardian, private community  
12 service agencies, public health agencies, and mental health agencies  
13 for the purpose of providing interagency treatment strategies.

14 (g) Each county shall provide tangible support services, to the  
15 extent resources are available, which may include, but not be  
16 limited to, emergency food, clothing, repair or replacement of  
17 essential appliances, plumbing and electrical repair, blankets,  
18 linens, and other household goods, advocacy with utility  
19 companies, and emergency response units.

20 SEC. 29. It is the intent of the Legislature that nothing in this  
21 act creates any new substantial General Fund costs. To that end,  
22 notwithstanding any provision of law to the contrary, all of the  
23 following shall apply:

24 (a) Nothing in this act requires a state agency to revise any form,  
25 document, or other material if that revision would create a General  
26 Fund cost that is more than minor and absorbable.

27 (b) Nothing in this act requires a state or local agency to adopt  
28 or revise a regulation.

29 (c) Nothing in this act creates a new training requirement for  
30 any state agency if that training requirement would create a General  
31 Fund cost that is more than minor and absorbable.

32 (d) Any provision of this act that requires a state agency to take  
33 any action is contingent on the availability and appropriation of  
34 adequate funds.

O