

AMENDED IN SENATE MARCH 25, 2009

SENATE BILL

No. 110

Introduced by Senator Liu
(Coauthor: Senator Hollingsworth)
(Coauthor: Assembly Member Cook)

January 28, 2009

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 amended, Liu. People with disabilities: victims of crime.

Existing law regulates the investigation and prosecution of crimes against ~~a dependent-adults~~ *adult*, which is defined to include ~~persons who are a person who is~~ between 18 and 64 years of age, inclusive, and ~~who have~~ *has* 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 a person who has a~~ physical or developmental ~~disabilities~~ *disability* or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the ~~phrase~~ *term* 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 requires criminal record background checks for vendors providing services to family home agencies, as specified.

This bill would allow nonlicensed service providers who have a vendor relationship with a regional center to obtain criminal record background checks on current and prospective employees and volunteers, as specified, and would require the providers to discharge or not hire those persons if they are convicted of specified offenses.

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.

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

6 (3) Of Californians with development disabilities, about 8 in
7 10 women and 4 in 10 men have been sexually abused. About 4
8 in 10 women and 2 in 10 men have been sexually abused at least
9 10 times.

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

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

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

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

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

30 (e) Research indicates that criminals select people with
31 disabilities as their victims because of two major categories of
32 motivations, as follows:

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

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

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

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

11 (h) Crimes against victims with disabilities occur in the
12 jurisdiction of every law enforcement agency and every district
13 attorney's office. Every law enforcement officer encounters persons
14 with disabilities who may be particularly vulnerable to crime and
15 who have a disproportionately high likelihood of becoming victims.

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

19 (1) Children.

20 (2) Elders.

21 (3) Homeless persons.

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

23 (5) Residents of public and private treatment and care facilities
24 of all kinds.

25 (j) Many crimes against victims with disabilities are motivated
26 in whole or in part by preexisting negative attitudes toward the
27 victims' disabilities, including hostility to persons who arouse
28 guilt, fear of or revulsion to persons whose visible traits are
29 disturbing to others, a perception that persons with disabilities are
30 inferior or deserving of victimization, belief that persons with
31 particular disabilities are weak and therefore easy targets, and
32 resentment of those who need and increasingly demand alternative
33 physical and social accommodations. Law enforcement agencies
34 must investigate these crimes as hate crimes and report them to
35 the Department of Justice as Section 13023 of the Penal Code
36 requires.

37 (k) Preventing, recognizing, and responding to crimes against
38 victims with disabilities often require special training, which all
39 officers should receive. Investigating and successfully prosecuting

1 these crimes often require more advanced training, which some
2 officers in every agency should receive.

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

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

9 (1) Investigate crimes against victims with disabilities.

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

12 (3) Act as a liaison to members of the disability community to
13 train them concerning crime prevention and response, obtain their
14 cooperation with law enforcement, and convey their concerns to
15 the law enforcement agency.

16 (b) Provide advanced officer training concerning crimes against
17 victims with disabilities to each officer designated under
18 subdivision (a).

19 SEC. 4. The Legislature strongly encourages each law
20 enforcement agency, ~~in consultation with the district attorney or~~
21 ~~attorney general~~, to adopt a general order or other formal policy
22 on prevention of and response to crimes against people with
23 disabilities and dealing effectively and humanely with victims,
24 witnesses, and suspects with disabilities. The policy should include,
25 but not be limited to, both of the following:

26 (a) Laws including those listed in subdivision (d) of Section
27 368.5 of the Penal Code.

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

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

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

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

38 (1) Establishing a vertical prosecution unit for crimes against
39 victims with disabilities or against both victims with disabilities
40 and other vulnerable victims.

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

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

7
8 CHAPTER 13. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,
9 AND PERSONS WITH DISABILITIES

10
11 SEC. 7. Section 368.1 is added to the Penal Code, to read:

12 368.1. (a) Local law enforcement agencies, and state law
13 enforcement agencies with jurisdiction, have concurrent jurisdiction
14 for investigation of elder and dependent adult abuse. Adult
15 protective services agencies and the local long-term care
16 ombudsman programs also have jurisdiction to investigate elder
17 and dependent adult abuse within their statutory authority.

18 (b) The Legislature strongly encourages law enforcement
19 agencies to cooperate with adult protective services agencies, local
20 long-term care ombudsman programs, the protection and advocacy
21 agency that the Governor designates pursuant to Section 4900 of
22 the Welfare and Institutions Code, and all other agencies carrying
23 out their statutory responsibilities or otherwise serving victims.
24 However, law enforcement agencies shall retain ultimate
25 responsibility for criminal investigations.

26 (c) In any case in which a law enforcement agency with
27 jurisdiction determines that there is reasonable suspicion of abuse
28 or other crime against an elder or dependent adult, the law
29 enforcement agency may direct the adult protective services agency
30 or local long-term care ombudsman program to take a supportive
31 role in the investigation until the criminal phase of the investigation
32 is complete. Nothing in this subdivision prevents an adult protective
33 services agency or local long-term case ombudsman program from
34 providing services to the victim or engaging in any other activity
35 that does not interfere with or compromise a criminal investigation.

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

37 368.5. By February 1, 2010, the Department of Justice shall
38 electronically send a bulletin to the executive of each state and
39 local law enforcement agency and to each district attorney. The

1 content of the bulletin shall include, but not be limited to, each of
2 the following sections, entitled and described as follows:

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

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

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

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

18 (2) The strong encouragement that local law enforcement
19 agencies provide training to their officers using the telecourse
20 “Crime Victims with Disabilities,” and that they provide this
21 training in conjunction with people with disabilities and local
22 agencies and organizations that serve and advocate for people with
23 disabilities and that they invite people with disabilities and those
24 local organizations to attend the training sessions and discuss the
25 problems with the agency’s officers, pursuant to subdivision (b)
26 of Section 13519.65.

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

33 (4) The requirement that law enforcement agencies cross-report
34 abuse and neglect of elders and dependent adults to adult protective
35 services agencies, local long-term care ombudsman programs, and
36 state agencies, pursuant to Section 15650 of the Welfare and
37 Institutions Code.

38 (5) The requirement that local law enforcement agencies provide
39 the telecourse “Law Enforcement Response to Homelessness
40 Update” to their officers, and the strong encouragement that local

1 law enforcement agencies provide this training in conjunction with
2 homeless and formerly homeless persons, local agencies, and
3 organizations that serve homeless and formerly homeless people,
4 including homeless persons with disabilities, and invite those local
5 organizations to attend the training sessions and discuss the
6 problem of crime against homeless victims and law enforcement
7 response to homelessness with the agency’s officers, pursuant to
8 paragraph (2) of subdivision (b) of Section 13519.64.

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

13 (A) Investigate crimes against victims with disabilities.

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

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

17 (D) Receive relevant advanced officer training.

18 (7) The strong encouragement that law enforcement agencies
19 enter into memoranda of understanding with adult protective
20 services agencies, local long-term care ombudsman programs, and
21 others to guide their exercise of their concurrent jurisdictions under
22 this section and carry out their mandated reporter requirements
23 and their cross-reporting requirements and other responsibilities,
24 pursuant to Section 368.1.

25 (8) The strong encouragement that each law enforcement
26 agency, in consultation with the district attorney or the attorney
27 general, adopt a general order or other formal policy on prevention
28 of and response to crimes against people with disabilities and
29 dealing effectively and humanely with victims, witnesses, and
30 suspects with disabilities, pursuant to Section 4 of the Crime
31 Victims with Disabilities Act of 2009. The law enforcement agency
32 policy should address, but not be limited to, relevant laws,
33 including those listed in subdivision (d).

34 (9) The strong encouragement that each local law enforcement
35 agency adopt a general order or other formal policy on prevention
36 and response to crimes against homeless persons, including
37 homeless persons with disabilities and homeless youth, and on
38 dealing effectively and humanely with homeless persons, based
39 on the telecourse “Law Enforcement Response to Homelessness
40 Update” and on the 2002 California Department of Justice report

1 “Special Report to the Legislature on Senate Resolution 18: Crimes
2 Against Homeless Persons,” as provided in subdivision (c) of
3 Section 13519.64.

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

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

10 (B) Place a priority on prosecuting crimes against people with
11 disabilities, including the consideration of establishing a vertical
12 prosecution unit and providing incentives for deputies to prosecute
13 cases of crimes against victims with disabilities that may have a
14 below-average conviction rate, as described in Section 5 of the
15 Crime Victims with Disabilities Act of 2009.

16 (d) “Training.” This section shall strongly encourage law
17 enforcement executives to provide training for their agencies’
18 supervisors and officers on the following provisions of law, in
19 addition to the training described in the “Requirements and
20 Recommendations” section of the bulletin:

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

23 (2) The new, clear statutory declaration that abuse is a crime
24 over which local law enforcement agencies and state law
25 enforcement agencies with jurisdiction have concurrent jurisdiction.
26 Law enforcement agencies, the local long-term care ombudsman
27 program, and the adult protective services agency are encouraged
28 to cooperate with each other in an investigation to the maximum
29 extent practicable. However, the law enforcement agencies have
30 ultimate responsibility for criminal investigations, as provided in
31 Section 368.1 of this code and Section 15650 of the Welfare and
32 Institutions Code.

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

37 (4) The requirements placed on employees of local law
38 enforcement agencies as mandated reporters of abuse, including
39 neglect of elders and dependent adults, as provided in Section
40 15630 of the Welfare and Institutions Code.

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

4 (e) The training section of the bulletin also shall list relevant
5 training materials produced or certified by the Commission on
6 Peace Officer Standards and Training, including materials produced
7 pursuant to Sections 13515, 13515.25, 13519.2, 13519.4, 13519.6,
8 and 13519.64, and by the Bureau of Medi-Cal Fraud and Elder
9 Abuse.

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

11 11163.6. In order to ensure consistent and uniform results, data
12 may be collected and summarized by the domestic violence death
13 review teams to show the statistical occurrence of domestic
14 violence deaths in the team's county that occur under the following
15 circumstances:

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

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

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

24 (d) The deceased was the perpetrator of the homicide of a former
25 or current spouse, fiancé, or dating partner and the perpetrator was
26 also the victim of a homicide related to the domestic homicide
27 incident.

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

30 (f) The deceased was a current or former spouse, fiancé, or
31 dating partner of the current or former spouse, fiancé, or dating
32 partner of the perpetrator.

33 (g) The deceased was a law enforcement officer, emergency
34 medical personnel, or other agency responding to a domestic
35 violence incident.

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

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

1 (j) The deceased had a disability and the homicide was related
2 to domestic violence.

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

5 SEC. 10. Section 11174.35 of the Penal Code is amended to
6 read:

7 11174.35. The State Department of Social Services shall work
8 with state and local child death review teams and child protective
9 services agencies in order to identify child death cases that were,
10 or should have been, reported to or by county child protective
11 services agencies. Findings made pursuant to this section shall be
12 used to determine the extent of child abuse or neglect fatalities
13 occurring in families known to child protective services agencies
14 and to define child welfare training needs for reporting,
15 cross-reporting, data integration, and involvement by child
16 protective services agencies in multiagency review in child deaths.
17 The State Department of Social Services, the State Department of
18 Public Health, and the Department of Justice, working with the
19 relevant subject matter experts from among those listed in Section
20 15591 of the Welfare and Institutions Code, shall develop a plan
21 to track and maintain data on child deaths from abuse or neglect,
22 including crimes against children with disabilities. Subject to the
23 availability of funding, the plan to track and maintain data shall
24 be updated by January 1, 2011.

25 SEC. 11. The heading of Article 2.7 (commencing with Section
26 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code is
27 amended to read:

28
29 Article 2.7. Elder and Dependent Adult Death Review Teams
30

31 SEC. 12. Section 11174.5 of the Penal Code is amended to
32 read:

33 11174.5. (a) Each county may establish an interagency elder
34 and dependent adult death team to assist local agencies in
35 identifying and reviewing suspicious elder and dependent adult
36 deaths and facilitating communication among persons who perform
37 autopsies and the various persons and agencies involved in elder
38 and dependent adult abuse cases, ~~including~~ or neglect cases.

39 (b) Each county may develop a protocol that may be used as a
40 guideline by persons performing autopsies on elders and dependent

1 adults to assist coroners and other persons who perform autopsies
2 in the identification of elder and dependent adult abuse *or neglect*,
3 in the determination of whether elder or dependent adult abuse *or*
4 *neglect* contributed to death or whether elder or dependent adult
5 abuse *or neglect* had occurred prior to, but was not the actual cause
6 of, death, and in the proper written reporting procedures for elder
7 and dependent adult abuse *or neglect*, including the designation
8 of the cause and mode of death.

9 SEC. 13. Section 11174.7 of the Penal Code is amended to
10 read:

11 11174.7. (a) An oral or written communication or a document
12 shared within or produced by an elder and dependent adult death
13 review team related to an elder or dependent adult death review
14 is confidential and not subject to disclosure or discoverable by
15 another third party.

16 (b) An oral or written communication or a document provided
17 by a third party to an elder and dependent adult death review team,
18 or between a third party and an elder and dependent adult death
19 review team, is confidential and not subject to disclosure or
20 discoverable by a third party.

21 (c) Notwithstanding subdivisions (a) and (b), recommendations
22 of an elder and dependent adult death review team upon the
23 completion of a review may be disclosed at the discretion of a
24 majority of the members of the elder and dependent adult death
25 review team.

26 SEC. 14. Section 13519.64 of the Penal Code is amended to
27 read:

28 13519.64. (a) The Legislature finds and declares that research,
29 including “Special Report to the Legislature on Senate Resolution
30 18: Crimes Committed Against Homeless Persons” by the
31 Department of Justice (2002); “Crimes Against Homeless Persons”
32 and “Crimes Against Persons with Disabilities” in “Protecting
33 Californians from Hate Crimes: A Progress Report” by the Senate
34 Office of Research (2004); “Voices from the Street: A Survey of
35 Homeless Youth by Their Peers” by the California Research
36 Bureau (2008); and “Hate, Violence, and Death On Main Street
37 USA: A Report on Hate Crimes and Violence Against People
38 Experiencing Homelessness 2007” by the National Coalition for
39 the Homeless and the National Law Center on Homelessness and
40 Poverty (2008), has demonstrated that California has serious

1 unaddressed problems of crime against homeless persons, including
2 homeless persons with disabilities and homeless youth.

3 (b) (1) By July 1, 2005, the Commission on Peace Officer
4 Standards and Training, using available funding, shall develop a
5 two-hour telecourse to be made available to all law enforcement
6 agencies in California on crimes against homeless persons and on
7 how to deal effectively and humanely with homeless persons,
8 including homeless persons with disabilities. The telecourse shall
9 include information on multimission criminal extremism, as defined
10 in Section 13519.6. In developing the telecourse, the commission
11 shall consult subject-matter experts including, but not limited to,
12 homeless and formerly homeless persons in California, service
13 providers and advocates for homeless persons in California, experts
14 on the disabilities that homeless persons commonly suffer, the
15 California Council of Churches, the National Coalition for the
16 Homeless, the Senate Office of Research, and the Criminal Justice
17 Statistics Center of the Department of Justice.

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

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

1 SEC. 15. Section 13519.65 is added to the Penal Code, to read:
2 13519.65. (a) (1) Every state law enforcement agency shall
3 provide training to its peace officers using the telecourse “Crime
4 Victims with Disabilities,” produced by the Commission on Peace
5 Officer Standards and Training and the Department of Justice.
6 This requirement shall take effect if the commission, the
7 department, or both the commission and the department update
8 the telecourse to reflect changes in law, standards, and information
9 since they produced the telecourse in 2002.

10 (2) The requirement of paragraph (1) replaces the requirement
11 of the portion of paragraph (2) of subdivision (b) of Section
12 13519.64 that was repealed by the act of the 2009–10 Regular
13 Session of the Legislature that enacted this section, and does not
14 create a new cost.

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

26 SEC. 16. Section 13823.7 of the Penal Code is amended to
27 read:

28 13823.7. The protocol adopted pursuant to Section 13823.5
29 for the examination and treatment of victims of sexual assault or
30 attempted sexual assault, including child molestation and the sexual
31 assault of victims with disabilities, and the collection and
32 preservation of evidence therefrom shall include provisions for all
33 of the following:

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

36 (b) Obtaining consent for the examination, for the treatment of
37 injuries, for the collection of evidence, and for the photographing
38 of injuries.

39 (c) Taking a patient history of sexual assault and other relevant
40 medical history.

1 (d) Performance of the physical examination for evidence of
2 sexual assault.

3 (e) Collection of physical evidence of assault.

4 (f) Collection of other medical specimens.

5 (g) Procedures for the preservation and disposition of physical
6 evidence.

7 SEC. 17. Section 13823.9 of the Penal Code is amended to
8 read:

9 13823.9. (a) Every public or private general acute care hospital
10 that examines a victim of sexual assault or attempted sexual assault,
11 including child molestation and the sexual assault of victims with
12 disabilities, shall comply with the standards specified in Section
13 13823.11 and the protocol and guidelines adopted pursuant to
14 Section 13823.5.

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

25 (c) Each county shall designate at least one general acute care
26 hospital to perform examinations on victims of sexual assault,
27 including child molestation and the sexual assault of victims with
28 disabilities.

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

37 (2) The informational guide developed by the agency or agencies
38 designated by the Director of Finance pursuant to Section 13820
39 shall be consulted where indicated in the protocol, as well as to

1 gain knowledge about all aspects of examination and treatment of
2 victims of sexual assault and child molestation.

3 SEC. 18. Section 13823.13 of the Penal Code is amended to
4 read:

5 13823.13. (a) The agency or agencies designated by the
6 Director of Finance pursuant to Section 13820 shall develop a
7 course of training for qualified health care professionals relating
8 to the examination and treatment of victims of sexual assault,
9 including child victims and victims with disabilities. In developing
10 the curriculum for the course, the agency or agencies designated
11 by the Director of Finance pursuant to Section 13820 shall consult
12 with health care professionals and appropriate law enforcement
13 agencies. The agency or agencies designated by the Director of
14 Finance pursuant to Section 13820 shall also obtain
15 recommendations from the same health care professionals and
16 appropriate law enforcement agencies on the best means to
17 disseminate the course of training on a statewide basis.

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

21 (1) Perform a health assessment of victims of sexual assault in
22 accordance with any applicable minimum standards set forth in
23 Section 13823.11.

24 (2) Collect and document physical and laboratory evidence in
25 accordance with any applicable minimum standards set forth in
26 Section 13823.11.

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

29 (4) Present testimony in court.

30 (c) As used in this section, “qualified health care professional”
31 means a physician and surgeon currently licensed pursuant to
32 Chapter 5 (commencing with Section 2000) of Division 2 of the
33 Business and Professions Code, or a nurse currently licensed
34 pursuant to Chapter 6 (commencing with Section 2700) of Division
35 2 of the Business and Professions Code who works in consultation
36 with a physician and surgeon or who conducts examinations
37 described in Section 13823.9 in a general acute care hospital or in
38 the office of a physician and surgeon.

39 (d) As used in this section, “appropriate law enforcement
40 agencies” may include, but shall not be limited to, the Attorney

1 General of the State of California, any district attorney, and any
2 agency of the State of California expressly authorized by statute
3 to investigate or prosecute law violators.

4 SEC. 19. Section 13823.16 of the Penal Code is amended to
5 read:

6 13823.16. (a) The Comprehensive Statewide Domestic
7 Violence Program established pursuant to Section 13823.15 shall
8 be collaboratively administered by the California Emergency
9 Management Agency and an advisory council. The membership
10 of the Domestic Violence Advisory Council shall consist of experts
11 in the provision of either direct or intervention services to battered
12 women and their children, within the scope and intention of the
13 Domestic Violence Assistance Program.

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

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

30 (2) Three voting members shall be appointed by the Speaker of
31 the Assembly.

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

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

1 (c) The California Emergency Management Agency shall
2 collaborate closely with the council in developing funding
3 priorities, framing the request for proposals, and soliciting
4 proposals.

5 (d) This section shall remain in effect only until January 1, 2015,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2015, deletes or extends that date.

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

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

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

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

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

1 (b) The requirement that the Commission on the Status of
2 Women appoint an expert on crimes against victims with
3 disabilities shall take effect upon the occurrence of the first vacancy
4 for a member appointed by the commission, other than the member
5 who represents a rape crisis center or the member who is a medical
6 professional, on or after January 1, 2010.

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

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

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

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

24 (1) The person missing is the victim of a crime or foul play.

25 (2) The person missing is in need of medical attention.

26 (3) The person missing has no pattern of running away or
27 disappearing.

28 (4) The person missing may be the victim of parental abduction.

29 (5) The person missing has a mental or physical disability.

30 (c) As used in this title, “child” is any person under the age of
31 18.

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

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

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

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

1 4427. (a) When the department has reason to believe that any
2 person held in custody as developmentally disabled is wrongfully
3 deprived of his or her liberty, is cruelly or negligently treated, that
4 inadequate provision is made for the skillful medical care, proper
5 supervision, and safekeeping of that person, or is otherwise the
6 victim of a crime, the department shall do either of the following:

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

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

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

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

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

29 4427.5. (a) (1) A developmental center shall immediately
30 report all resident deaths and serious injuries of unknown origin
31 to the appropriate local law enforcement agency, which may, at
32 its discretion, conduct an independent investigation.

33 (2) The reporting requirements of this subdivision are in addition
34 to, and do not substitute for, the reporting requirements of
35 mandated reporters.

36 (b) The department shall do both of the following:

37 (1) Annually provide written information to every developmental
38 center employee regarding all of the following:

39 (A) The statutory and departmental requirements for mandatory
40 reporting of suspected or known abuse.

1 (B) The rights and protections afforded to individuals' reporting
2 of suspected or known abuse.

3 (C) The penalties for failure to report suspected or known abuse.

4 (D) The telephone numbers for reporting suspected or known
5 abuse or neglect to designated investigators of the department and
6 to local law enforcement agencies.

7 (2) On or before August 1, 2001, in consultation with employee
8 organizations, advocates, consumers, and family members, develop
9 a poster that encourages staff, residents, and visitors to report
10 suspected or known abuse and provides information on how to
11 make these reports.

12 SEC. 25. Section 4689.25 is added to the Welfare and
13 Institutions Code, to read:

14 ~~4689.25.— (a) (1) A nonlicensed regional center vendorized~~
15 ~~service provider is authorized to submit fingerprint images and~~
16 ~~related information of current or prospective employees or~~
17 ~~volunteers, as specified in subdivision (c) of Section 4689.2, to~~
18 ~~the Department of Justice for purposes of determining the existence~~
19 ~~and content of records of arrest and conviction, including if the~~
20 ~~person is free on bail or his or her own recognizance pending trial~~
21 ~~or appeal.~~

22 ~~(2) If it is found that the person has ever been arrested,~~
23 ~~convicted, or is free on bail or his or her own recognizance pending~~
24 ~~trial or appeal, the department shall notify the service provider of~~
25 ~~that fact. If no criminal record information has been recorded, the~~
26 ~~department shall provide the service provider with a statement of~~
27 ~~that fact.~~

28 ~~(3) A nonlicensed regional center vendorized service provider~~
29 ~~may request subsequent arrest notification from the department~~
30 ~~and, should the employee or volunteer subsequently be arrested,~~
31 ~~the department shall provide the service provider with a statement~~
32 ~~of that fact.~~

33 ~~(4) The department shall charge a fee to the service provider~~
34 ~~sufficient to cover the costs of processing the requests authorized~~
35 ~~in this section.~~

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

1 ~~(e) The Legislature strongly encourages each nonlicensed~~
2 ~~regional center vendorized service provider to take the action~~
3 ~~authorized in subdivision (a) in order to protect consumers from~~
4 ~~abuse, neglect, and other crimes.~~

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

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

22 ~~(3) Compliance with paragraph (1) shall not relieve a~~
23 ~~nonlicensed regional center vendorized service provider or any~~
24 ~~other person of any liability for the consequences of not taking the~~
25 ~~actions authorized by subdivision (a).~~

26 ~~(e) No nonlicensed regional center vendorized service provider~~
27 ~~may charge a fee to any employee, applicant, consumer, volunteer,~~
28 ~~or other person for any costs incurred by actions authorized by~~
29 ~~subdivision (a).~~

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

31 *4689.25. (a) (1) Except as provided in subdivision (e), a*
32 *nonlicensed service provider may submit to the Department of*
33 *Justice evidence of a vendor relationship with a regional center,*
34 *showing the effective date. The submission shall include a request*
35 *for subsequent arrest notification, as provided in Section 11105.2*
36 *of the Penal Code.*

37 *(2) A nonlicensed service provider that has made a submission*
38 *pursuant to paragraph (1) shall immediately notify the Department*
39 *of Justice of the termination of the vendor relationship with the*
40 *regional center, showing the termination date.*

1 (3) (A) *Once verified by the Department of Justice and until*
2 *the vendor relationship is terminated, a nonlicensed service*
3 *provider may electronically submit fingerprint images and related*
4 *information required by the Department of Justice concerning any*
5 *current or prospective employee or volunteer, for the purposes of*
6 *obtaining the following information as to those persons:*

7 (i) *Every conviction rendered against the current or prospective*
8 *employee or volunteer.*

9 (ii) *Every arrest for an offense for which the current or*
10 *prospective employee or volunteer is presently awaiting trial,*
11 *whether he or she is incarcerated or has been released on bail or*
12 *on his or her own recognizance pending trial.*

13 (B) *The Department of Justice shall electronically provide a*
14 *response to the nonlicensed service provider pursuant to*
15 *subdivision (p) of Section 11105 of the Penal Code.*

16 (4) *The Department of Justice shall charge a fee sufficient to*
17 *cover the cost of processing the submissions described in this*
18 *section.*

19 (b) (1) *A nonlicensed service provider that makes submissions*
20 *to the Department of Justice for all of its current and prospective*
21 *employees and volunteers pursuant to paragraph (2) of subdivision*
22 *(a) shall so inform the regional center.*

23 (2) *A nonlicensed service provider that makes a submission to*
24 *the Department of Justice pursuant to paragraph (2) of subdivision*
25 *(a) concerning a prospective employee or volunteer shall not hire*
26 *or accept the services of that person until the nonlicensed service*
27 *provider receives an initial response from the Department of*
28 *Justice.*

29 (3) *If a nonlicensed service provider receives an initial response*
30 *or subsequent notification from the Department of Justice that a*
31 *current or prospective employee or volunteer has been convicted*
32 *of a serious felony, as defined in Section 1192.7 of the Penal Code,*
33 *or a violent felony, as defined in Section 667.5 of the Penal Code,*
34 *or is required to register as a sex offender pursuant to Section 290*
35 *of the Penal Code, the nonlicensed service provider shall discharge*
36 *or not hire or accept services from that person.*

37 (4) *A nonlicensed service provider may use any information in*
38 *the initial response and any subsequent notifications from the*
39 *Department of Justice in decisions regarding employment,*

1 relocation, and termination of an employee or volunteer, except
2 as prohibited by law.

3 (c) (1) The Legislature strongly encourages each nonlicensed
4 service provider to take actions authorized in subdivision (a) in
5 order to protect consumers from abuse, neglect, and other crimes.

6 (2) A nonlicensed service provider that does not take the actions
7 authorized by subdivision (a) concerning each current or
8 prospective employee and volunteer shall provide a disclosure to
9 each consumer served and to the regional center that some or all
10 current or prospective employees and volunteers have not been
11 subject to a fingerprint-based Department of Justice criminal
12 record search. A nonlicensed service provider that has not
13 submitted evidence to the Department of Justice pursuant to
14 paragraph (1) of subdivision (a) shall provide the disclosure to
15 all current consumers and the regional center by August 1, 2010,
16 and shall provide the disclosure to each new consumer before the
17 consumer receives any services from the nonlicensed service
18 provider.

19 (3) Compliance with paragraph (2) shall not relieve a
20 nonlicensed service provider of any liability for the consequences
21 of not taking the actions authorized by this section.

22 (d) No nonlicensed service provider may charge a fee to any
23 applicant, consumer, employee, regional center, volunteer, or
24 other person for any costs incurred by actions that this section
25 authorizes or requires.

26 (e) Family homes and family home agencies, as defined in
27 subdivisions (b) and (c) of Section 4689.1, consumers of
28 self-directed services, parent vendors who provide services to their
29 children, and consumer vendors who provide services to themselves
30 are exempt from the provisions of this section.

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

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

35
36 CHAPTER 10.5. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,
37 AND PEOPLE WITH DISABILITIES
38

39 15590. (a) The Abuse Victims with Disabilities Think Tank
40 of the California Emergency Management Agency shall convene

1 a first meeting of a working group on crimes against elders,
2 dependent adults, and people with disabilities, and shall invite
3 subject matter experts including, but not limited to, those listed in
4 Section 15591, to attend. Nothing in this section requires the think
5 tank to convene any further meetings of the working group. The
6 working group may organize itself, including by creating
7 committees, and schedule future meetings.

8 (b) The working group may set goals for itself including the
9 following:

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

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

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

27 15591. “Subject matter experts” includes, but is not limited to,
28 the following, or their successor organizations, the Aging Services
29 of California; Arc of California; Associated Programs of the
30 University of Southern California; Association of Regional Center
31 Agencies; Autism Center for Excellence at California State
32 University, Sacramento; *California Advocates for Nursing Home*
33 *Reform*; California Assisted Living Association; California
34 Association for Adult Day Services; California Association of
35 Health Facilities; California Coalition Against Sexual Assault;
36 California Consortium of Child Abuse Councils; California County
37 Welfare Directors; California Emergency Management Agency;
38 California Foundation for Independent Living Centers; California
39 Hospital Association; California Long-Term Care Ombudsman
40 Program Association; California Partnership to End Domestic

1 Violence; Consortium for Elder Abuse Prevention; Departments
2 of Aging, Developmental Services, Justice, Mental Health, Public
3 Health, Social Services, and Corrections and Rehabilitation;
4 Disability Service Network; District Attorneys, Police Chiefs, and
5 Sheriffs Associations; *Gray Panthers*; Los Angeles City
6 Department on Disability; National Alliance for the Mentally Ill;
7 *Older Women's League*; Project REACH; Senate Office of
8 Research; Sociology Departments of the University of California
9 at Berkeley, Davis, and Irvine; State Council on Developmental
10 Disabilities; State Office of Child Abuse Prevention; Tarjan Center
11 of the University of California at Los Angeles; University Centers
12 for Excellence in Developmental Disabilities at the University of
13 California at Davis and Los Angeles and the University of Southern
14 California; and the protection and advocacy agency that the
15 Governor designates pursuant to Section 4900.

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

18 15610.19. "Clergy member" means a priest, minister, rabbi,
19 religious practitioner, or similar functionary of a church, gurdwara,
20 mandir, mosque, synagogue, temple, or other recognized religious
21 denomination or organization. "Clergy member" does not include
22 unpaid volunteers whose principal occupation or vocation does
23 not involve active or ordained ministry in a religious denomination
24 or organization, and who periodically visit elders or dependent
25 adults on behalf of that recognized religious denomination or
26 organization.

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

29 15763. (a) Each county shall establish an emergency response
30 adult protective services program that shall provide in-person
31 response, 24 hours per day, seven days per week, to reports of
32 abuse of an elder or a dependent adult, for the purpose of providing
33 immediate intake or intervention, or both, to new reports involving
34 immediate life threats and to crises in existing cases. The program
35 shall include policies and procedures to accomplish all of the
36 following:

37 (1) Provision of case management services that include
38 investigation of the protection issues, assessment of the person's
39 concerns, needs, strengths, problems, and limitations, stabilization
40 and linking with community services, and development of a service

1 plan to alleviate identified problems utilizing counseling,
2 monitoring, followup, and reassessment.

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

6 (3) Establishment of multidisciplinary teams to develop
7 interagency treatment strategies, to ensure maximum coordination
8 with existing community resources, to ensure maximum access
9 on behalf of elders and dependent adults, and to avoid duplication
10 of efforts.

11 (b) (1) A county shall respond immediately to any report of
12 imminent danger to an elder or dependent adult in other than a
13 long-term care facility, as defined in Section 9701 of the Welfare
14 and Institutions Code, or a residential facility, as defined in Section
15 1502 of the Health and Safety Code. For reports involving persons
16 in a long-term care facility or a residential care facility, the county
17 shall report to the local long-term care ombudsman program. Adult
18 protective services staff shall consult, coordinate, and support
19 efforts of the ombudsman program to protect vulnerable residents.
20 Except as specified in paragraph (2), the county shall respond to
21 all other reports of danger to an elder or dependent adult in other
22 than a long-term care facility or residential care facility within 10
23 calendar days or as soon as practicably possible.

24 (2) An immediate or 10-day in-person response is not required
25 when the county, based upon an evaluation of risk, determines and
26 documents that the elder or dependent adult is not in imminent
27 danger and that an immediate or 10-day in-person response is not
28 necessary to protect the health or safety of the elder or dependent
29 adult.

30 (3) The State Department of Social Services, in consultation
31 with the County Welfare Directors Association, shall develop
32 requirements for implementation of paragraph (2), including, but
33 not limited to, guidelines for determining appropriate application
34 of this section and any applicable documentation requirements.

35 (4) Notwithstanding Chapter 3.5 (commencing with Section
36 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
37 the department shall implement the requirements developed
38 pursuant to paragraph (3) by means of all-county letters or similar
39 instructions prior to adopting regulations for that purpose.
40 Thereafter, the department shall adopt regulations in accordance

1 with the requirements of Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

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

12 (d) A county shall provide case management services to elders
13 and dependent adults who are determined to be in need of adult
14 protective services for the purpose of bringing about changes in
15 the lives of victims and to provide a safety net to enable victims
16 to protect themselves in the future. Case management services
17 shall include the following, to the extent services are appropriate
18 for the individual:

19 (1) Investigation of the protection issues, including, but not
20 limited to, social, medical, environmental, physical, emotional,
21 and developmental.

22 (2) Assessment of the person's concerns and needs on whom
23 the report has been made and the concerns and needs of other
24 members of the family and household.

25 (3) Analysis of problems and strengths.

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

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

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

31 (7) Stabilizing and linking with community services.

32 (8) Monitoring and followup.

33 (9) Reassessments, as appropriate.

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

39 (f) Each county shall designate an adult protective services
40 agency to establish and maintain multidisciplinary teams including,

1 but not limited to, adult protective services, law enforcement,
2 probation departments, home health care agencies, hospitals, adult
3 protective services staff, the public guardian, private community
4 service agencies, public health agencies, and mental health agencies
5 for the purpose of providing interagency treatment strategies.

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

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

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

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

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

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