

AMENDED IN SENATE APRIL 21, 2009

AMENDED IN SENATE MARCH 25, 2009

**SENATE BILL**

**No. 110**

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

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~~, 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 adult, which is defined to include a person who is between 18 and 64 years of age, inclusive, and who 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, a person who has a physical or developmental disability or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the 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 provides for the training of peace officers.*

*This bill would require every law enforcement agency that participates in the Peace Officer Standards and Training program to provide training to its peace officers using a specified telecourse relating to crime victims with disabilities if that telecourse is updated, as specified. By imposing new duties on local law enforcement agencies, the bill would create a state-mandated local program.*

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.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

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

*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.

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

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

8 (d) California and national research has found particularly  
9 disturbing indications, including:

10 (1) Californians with developmental disabilities are victimized  
11 4 to 10 times more frequently than the general population, and  
12 they are at a higher risk of revictimization.

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

18 (3) Of Californians with development disabilities, about 8 in  
19 10 women and 4 in 10 men have been sexually abused. About 4  
20 in 10 women and 2 in 10 men have been sexually abused at least  
21 10 times.

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

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

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

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

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

3 (e) Research indicates that criminals select people with  
4 disabilities as their victims because of two major categories of  
5 motivations, as follows:

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

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

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

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

23 (h) Crimes against victims with disabilities occur in the  
24 jurisdiction of every law enforcement agency and every district  
25 attorney’s office. Every law enforcement officer encounters persons  
26 with disabilities who may be particularly vulnerable to crime and  
27 who have a disproportionately high likelihood of becoming victims.

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

31 (1) Children.

32 (2) Elders.

33 (3) Homeless persons.

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

35 (5) Residents of public and private treatment and care facilities  
36 of all kinds.

37 (j) Many crimes against victims with disabilities are motivated  
38 in whole or in part by preexisting negative attitudes toward the  
39 victims’ disabilities, including hostility to persons who arouse  
40 guilt, fear of or revulsion to persons whose visible traits are

1 disturbing to others, a perception that persons with disabilities are  
2 inferior or deserving of victimization, belief that persons with  
3 particular disabilities are weak and therefore easy targets, and  
4 resentment of those who need and increasingly demand alternative  
5 physical and social accommodations. Law enforcement agencies  
6 must investigate these crimes as hate crimes and report them to  
7 the Department of Justice as Section 13023 of the Penal Code  
8 requires.

9 (k) Preventing, recognizing, and responding to crimes against  
10 victims with disabilities often require special training, which all  
11 officers should receive. Investigating and successfully prosecuting  
12 these crimes often require more advanced training, which some  
13 officers in every agency should receive.

14 ~~SEC. 3. The Legislature strongly encourages each law~~  
15 ~~enforcement agency, including those with jurisdictions covering~~  
16 ~~treatment or local incarceration facilities, to do each of the~~  
17 ~~following:~~

18 ~~(a) Designate a unit, or an appropriate number of officers, to do~~  
19 ~~each of the following:~~

20 ~~(1) Investigate crimes against victims with disabilities.~~

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

23 ~~(3) Act as a liaison to members of the disability community to~~  
24 ~~train them concerning crime prevention and response, obtain their~~  
25 ~~cooperation with law enforcement, and convey their concerns to~~  
26 ~~the law enforcement agency.~~

27 ~~(b) Provide advanced officer training concerning crimes against~~  
28 ~~victims with disabilities to each officer designated under~~  
29 ~~subdivision (a).~~

30 ~~SEC. 4. The Legislature strongly encourages each law~~  
31 ~~enforcement agency to adopt a general order or other formal policy~~  
32 ~~on prevention of and response to crimes against people with~~  
33 ~~disabilities and dealing effectively and humanely with victims,~~  
34 ~~witnesses, and suspects with disabilities. The policy should include,~~  
35 ~~but not be limited to, both of the following:~~

36 ~~(a) Laws including those listed in subdivision (d) of Section~~  
37 ~~368.5 of the Penal Code.~~

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

1 ~~SEC. 5. The Legislature strongly encourages each district~~  
2 ~~attorney to do each of the following:~~

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

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

9 ~~(1) Establishing a vertical prosecution unit for crimes against~~  
10 ~~victims with disabilities or against both victims with disabilities~~  
11 ~~and other vulnerable victims.~~

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

15 ~~SEC. 6.~~

16 ~~SEC. 3.~~ The heading of Chapter 13 (commencing with Section  
17 368) is added to Title 9 of Part 1 of the Penal Code, immediately  
18 preceding Section 368, to read:

19  
20 CHAPTER 13. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,  
21 AND PERSONS WITH DISABILITIES  
22

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

24 ~~368.1. (a) Local law enforcement agencies, and state law~~  
25 ~~enforcement agencies with jurisdiction, have concurrent jurisdiction~~  
26 ~~for investigation of elder and dependent adult abuse. Adult~~  
27 ~~protective services agencies and the local long-term care~~  
28 ~~ombudsman programs also have jurisdiction to investigate elder~~  
29 ~~and dependent adult abuse within their statutory authority.~~

30 ~~(b) The Legislature strongly encourages law enforcement~~  
31 ~~agencies to cooperate with adult protective services agencies, local~~  
32 ~~long-term care ombudsman programs, the protection and advocacy~~  
33 ~~agency that the Governor designates pursuant to Section 4900 of~~  
34 ~~the Welfare and Institutions Code, and all other agencies carrying~~  
35 ~~out their statutory responsibilities or otherwise serving victims.~~  
36 ~~However, law enforcement agencies shall retain ultimate~~  
37 ~~responsibility for criminal investigations.~~

38 ~~(c) In any case in which a law enforcement agency with~~  
39 ~~jurisdiction determines that there is reasonable suspicion of abuse~~  
40 ~~or other crime against an elder or dependent adult, the law~~

1 enforcement agency may direct the adult protective services agency  
 2 or local long-term care ombudsman program to take a supportive  
 3 role in the investigation until the criminal phase of the investigation  
 4 is complete. Nothing in this subdivision prevents an adult protective  
 5 services agency or local long-term case ombudsman program from  
 6 providing services to the victim or engaging in any other activity  
 7 that does not interfere with or compromise a criminal investigation.

8 ~~SEC. 8.~~

9 *SEC. 4.* Section 368.5 is added to the Penal Code, to read:

10 368.5. By February 1, 2010, the Department of Justice shall  
 11 electronically send a bulletin to the executive of each state and  
 12 local law enforcement agency and to each district attorney. The  
 13 content of the bulletin shall include, but not be limited to, each of  
 14 the following sections, entitled and described as follows:

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

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

24 (c) “Requirements and Recommendations.” This section shall  
 25 include the following requirements ~~and recommendations~~ for law  
 26 enforcement agencies and district attorneys:

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

30 ~~(2) The strong encouragement that local law enforcement~~  
 31 ~~agencies provide training to their officers using the telecourse~~  
 32 ~~“Crime Victims with Disabilities,” and that they provide this~~  
 33 ~~training in conjunction with people with disabilities and local~~  
 34 ~~agencies and organizations that serve and advocate for people with~~  
 35 ~~disabilities and that they invite people with disabilities and those~~  
 36 ~~local organizations to attend the training sessions and discuss the~~  
 37 ~~problems with the agency’s officers, pursuant to subdivision (b)~~  
 38 ~~of Section 13519.65.~~

39 (3)

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

7 ~~(4)~~

8 (3) The requirement that law enforcement agencies cross-report  
9 abuse and neglect of elders and dependent adults to adult protective  
10 services agencies, local long-term care ombudsman programs, and  
11 state agencies, pursuant to Section 15650 of the Welfare and  
12 Institutions Code.

13 ~~(5)~~

14 (4) The requirement that local law enforcement agencies provide  
15 the telecourse “Law Enforcement Response to Homelessness  
16 Update” to their officers, and the strong encouragement that local  
17 law enforcement agencies provide this training in conjunction with  
18 homeless and formerly homeless persons, local agencies, and  
19 organizations that serve homeless and formerly homeless people,  
20 including homeless persons with disabilities, and invite those local  
21 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 agency’s officers, pursuant to  
24 paragraph (2) of subdivision (b) of Section 13519.64.

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

29 ~~(A) Investigate crimes against victims with disabilities.~~

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

32 ~~(C) Act as liaison to the disability community.~~

33 ~~(D) Receive relevant advanced officer training.~~

34 ~~(7) The strong encouragement that law enforcement agencies  
35 enter into memoranda of understanding with adult protective  
36 services agencies, local long-term care ombudsman programs, and  
37 others to guide their exercise of their concurrent jurisdictions under  
38 this section and carry out their mandated reporter requirements  
39 and their cross-reporting requirements and other responsibilities,  
40 pursuant to Section 368.1.~~

1     ~~(8) The strong encouragement that each law enforcement~~  
2 ~~agency, in consultation with the district attorney or the attorney~~  
3 ~~general, adopt a general order or other formal policy on prevention~~  
4 ~~of and response to crimes against people with disabilities and~~  
5 ~~dealing effectively and humanely with victims, witnesses, and~~  
6 ~~suspects with disabilities, pursuant to Section 4 of the Crime~~  
7 ~~Victims with Disabilities Act of 2009. The law enforcement agency~~  
8 ~~policy should address, but not be limited to, relevant laws,~~  
9 ~~including those listed in subdivision (d).~~

10     ~~(9) The strong encouragement that each local law enforcement~~  
11 ~~agency adopt a general order or other formal policy on prevention~~  
12 ~~and response to crimes against homeless persons, including~~  
13 ~~homeless persons with disabilities and homeless youth, and on~~  
14 ~~dealing effectively and humanely with homeless persons, based~~  
15 ~~on the telecourse “Law Enforcement Response to Homelessness~~  
16 ~~Update” and on the 2002 California Department of Justice report~~  
17 ~~“Special Report to the Legislature on Senate Resolution 18: Crimes~~  
18 ~~Against Homeless Persons,” as provided in subdivision (e) of~~  
19 ~~Section 13519.64.~~

20     ~~(10) The strong encouragement that each district attorney do~~  
21 ~~both of the following:~~

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

26     ~~(B) Place a priority on prosecuting crimes against people with~~  
27 ~~disabilities, including the consideration of establishing a vertical~~  
28 ~~prosecution unit and providing incentives for deputies to prosecute~~  
29 ~~cases of crimes against victims with disabilities that may have a~~  
30 ~~below-average conviction rate, as described in Section 5 of the~~  
31 ~~Crime Victims with Disabilities Act of 2009.~~

32     ~~(d) “Training.” This section shall strongly encourage law~~  
33 ~~enforcement executives to provide training for their agencies’~~  
34 ~~supervisors and officers on the following provisions of law, in~~  
35 ~~addition to the training described in the “Requirements and~~  
36 ~~Recommendations” section of the bulletin:~~

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

39     ~~(2) The new, clear statutory declaration that abuse is a crime~~  
40 ~~over which local law enforcement agencies and state law~~

1 enforcement agencies with jurisdiction have concurrent jurisdiction.  
2 Law enforcement agencies, the local long-term care ombudsman  
3 program, and the adult protective services agency are encouraged  
4 to cooperate with each other in an investigation to the maximum  
5 extent practicable. However, the law enforcement agencies have  
6 ultimate responsibility for criminal investigations, as provided in  
7 Section 368.1 of this code and Section 15650 of the Welfare and  
8 Institutions Code.

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

13 ~~(4) The requirements placed on employees of local law~~  
14 ~~enforcement agencies as mandated reporters of abuse, including~~  
15 ~~neglect of elders and dependent adults, as provided in Section~~  
16 ~~15630 of the Welfare and Institutions Code.~~

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

20 (e)

21 (d) The training section of the bulletin also shall list relevant  
22 training materials produced or certified by the Commission on  
23 Peace Officer Standards and Training, including materials produced  
24 pursuant to Sections 13515, 13515.25, 13519.2, 13519.4, 13519.6,  
25 and 13519.64, and by the Bureau of Medi-Cal Fraud and Elder  
26 Abuse.

27 ~~SEC. 9.~~

28 *SEC. 5.* Section 11163.6 of the Penal Code is amended to read:

29 11163.6. In order to ensure consistent and uniform results, data  
30 may be collected and summarized by the domestic violence death  
31 review teams to show the statistical occurrence of domestic  
32 violence deaths in the team's county that occur under the following  
33 circumstances:

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

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

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

4 (d) The deceased was the perpetrator of the homicide of a former  
5 or current spouse, fiancé, or dating partner and the perpetrator was  
6 also the victim of a homicide related to the domestic homicide  
7 incident.

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

10 (f) The deceased was a current or former spouse, fiancé, or  
11 dating partner of the current or former spouse, fiancé, or dating  
12 partner of the perpetrator.

13 (g) The deceased was a law enforcement officer, emergency  
14 medical personnel, or other agency responding to a domestic  
15 violence incident.

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

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

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

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

24 ~~SEC. 10.~~

25 *SEC. 6.* Section 11174.35 of the Penal Code is amended to  
26 read:

27 11174.35. The State Department of Social Services shall work  
28 with state and local child death review teams and child protective  
29 services agencies in order to identify child death cases that were,  
30 or should have been, reported to or by county child protective  
31 services agencies. Findings made pursuant to this section shall be  
32 used to determine the extent of child abuse or neglect fatalities  
33 occurring in families known to child protective services agencies  
34 and to define child welfare training needs for reporting,  
35 cross-reporting, data integration, and involvement by child  
36 protective services agencies in multiagency review in child deaths.  
37 The State Department of Social Services, the State Department of  
38 Public Health, and the Department of Justice, working with the  
39 relevant subject matter experts from among those listed in Section  
40 15591 of the Welfare and Institutions Code, shall develop a plan

1 to track and maintain data on child deaths from abuse or neglect,  
2 including crimes against children with disabilities. Subject to the  
3 availability of funding, the plan to track and maintain data shall  
4 be updated by January 1, 2011.

5 ~~SEC. 11.~~

6 *SEC. 7.* The heading of Article 2.7 (commencing with Section  
7 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code is  
8 amended to read:

9

10 Article 2.7. Elder and Dependent Adult Death Review Teams

11

12 ~~SEC. 12.~~

13 *SEC. 8.* Section 11174.5 of the Penal Code is amended to read:

14 11174.5. (a) Each county may establish an interagency elder  
15 and dependent adult death team to assist local agencies in  
16 identifying and reviewing suspicious elder and dependent adult  
17 deaths and facilitating communication among persons who perform  
18 autopsies and the various persons and agencies involved in elder  
19 and dependent adult abuse or neglect cases.

20 (b) Each county may develop a protocol that may be used as a  
21 guideline by persons performing autopsies on elders and dependent  
22 adults to assist coroners and other persons who perform autopsies  
23 in the identification of elder and dependent adult abuse or neglect,  
24 in the determination of whether elder or dependent adult abuse or  
25 neglect contributed to death or whether elder or dependent adult  
26 abuse or neglect had occurred prior to, but was not the actual cause  
27 of, death, and in the proper written reporting procedures for elder  
28 and dependent adult abuse or neglect, including the designation  
29 of the cause and mode of death.

30 ~~SEC. 13.~~

31 *SEC. 9.* Section 11174.7 of the Penal Code is amended to read:

32 11174.7. (a) An oral or written communication or a document  
33 shared within or produced by an elder and dependent adult death  
34 review team related to an elder or dependent adult death review  
35 is confidential and not subject to disclosure or discoverable by  
36 another third party.

37 (b) An oral or written communication or a document provided  
38 by a third party to an elder and dependent adult death review team,  
39 or between a third party and an elder and dependent adult death

1 review team, is confidential and not subject to disclosure or  
2 discoverable by a third party.

3 (c) Notwithstanding subdivisions (a) and (b), recommendations  
4 of an elder and dependent adult death review team upon the  
5 completion of a review may be disclosed at the discretion of a  
6 majority of the members of the elder and dependent adult death  
7 review team.

8 ~~SEC. 14.~~

9 *SEC. 10.* Section 13519.64 of the Penal Code is amended to  
10 read:

11 13519.64. (a) The Legislature finds and declares that research,  
12 including “Special Report to the Legislature on Senate Resolution  
13 18: Crimes Committed Against Homeless Persons” by the  
14 Department of Justice (2002); “Crimes Against Homeless Persons”  
15 and “Crimes Against Persons with Disabilities” in “Protecting  
16 Californians from Hate Crimes: A Progress Report” by the Senate  
17 Office of Research (2004); “Voices from the Street: A Survey of  
18 Homeless Youth by Their Peers” by the California Research  
19 Bureau (2008); and “Hate, Violence, and Death On Main Street  
20 USA: A Report on Hate Crimes and Violence Against People  
21 Experiencing Homelessness 2007” by the National Coalition for  
22 the Homeless and the National Law Center on Homelessness and  
23 Poverty (2008), has demonstrated that California has serious  
24 unaddressed problems of crime against homeless persons, including  
25 homeless persons with disabilities and homeless youth.

26 (b) (1) By July 1, 2005, the Commission on Peace Officer  
27 Standards and Training (*POST*), using available funding, shall  
28 develop a two-hour telecourse to be made available to all law  
29 enforcement agencies *that participate in and comply with the POST*  
30 *program* in California on crimes against homeless persons and on  
31 how to deal effectively and humanely with homeless persons,  
32 including homeless persons with disabilities. The telecourse shall  
33 include information on multimission criminal extremism, as defined  
34 in Section 13519.6. In developing the telecourse, the commission  
35 shall consult subject-matter experts including, but not limited to,  
36 homeless and formerly homeless persons in California, service  
37 providers and advocates for homeless persons in California, experts  
38 on the disabilities that homeless persons commonly suffer, the  
39 California Council of Churches, the National Coalition for the

1 Homeless, the Senate Office of Research, and the Criminal Justice  
2 Statistics Center of the Department of Justice.

3 (2) Every ~~local~~ law enforcement agency *that participates in and*  
4 *complies with the POST program*, to the extent that this  
5 requirement does not create a state-mandated local program cost,  
6 shall provide the telecourse, “Law Enforcement Response to  
7 Homelessness Update,” to its peace officers. ~~The Legislature~~  
8 ~~strongly encourages local law enforcement agencies to provide~~  
9 ~~this training in conjunction with homeless and formerly homeless~~  
10 ~~persons and local agencies and organizations that serve homeless~~  
11 ~~persons, including homeless persons with disabilities and homeless~~  
12 ~~youth, and to invite homeless and formerly homeless persons and~~  
13 ~~those local organizations to attend the training sessions and discuss~~  
14 ~~the problem of crime against homeless victims and law~~  
15 ~~enforcement response to homelessness with the agencies’ officers.~~

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

27 ~~SEC. 15.~~

28 *SEC. 11.* Section 13519.65 is added to the Penal Code, to read:

29 13519.65. (a) (1) ~~Every state law enforcement agency~~*Every*  
30 *law enforcement agency that participates in and complies with the*  
31 *POST program* shall provide training to its peace officers using  
32 the telecourse “Crime Victims with Disabilities,” produced by the  
33 Commission on Peace Officer Standards and Training and the  
34 Department of Justice. This requirement shall take effect if the  
35 commission, the department, or both the commission and the  
36 department update the telecourse to reflect changes in law,  
37 standards, and information since they produced the telecourse in  
38 2002.

39 (2) The requirement of paragraph (1) replaces the requirement  
40 of the portion of paragraph (2) of subdivision (b) of Section

1 13519.64 that was repealed by the act of the 2009–10 Regular  
2 Session of the Legislature that enacted this section, and does not  
3 create a new cost.

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

16 SEC. 16. ~~Section 13823.7 of the Penal Code is amended to~~  
17 ~~read:~~

18 ~~13823.7. The protocol adopted pursuant to Section 13823.5~~  
19 ~~for the examination and treatment of victims of sexual assault or~~  
20 ~~attempted sexual assault, including child molestation and the sexual~~  
21 ~~assault of victims with disabilities, and the collection and~~  
22 ~~preservation of evidence therefrom shall include provisions for all~~  
23 ~~of the following:~~

24 ~~(a) Notification of injuries and a report of suspected child sexual~~  
25 ~~abuse to law enforcement authorities.~~

26 ~~(b) Obtaining consent for the examination, for the treatment of~~  
27 ~~injuries, for the collection of evidence, and for the photographing~~  
28 ~~of injuries.~~

29 ~~(c) Taking a patient history of sexual assault and other relevant~~  
30 ~~medical history.~~

31 ~~(d) Performance of the physical examination for evidence of~~  
32 ~~sexual assault.~~

33 ~~(e) Collection of physical evidence of assault.~~

34 ~~(f) Collection of other medical specimens.~~

35 ~~(g) Procedures for the preservation and disposition of physical~~  
36 ~~evidence.~~

37 SEC. 17. ~~Section 13823.9 of the Penal Code is amended to~~  
38 ~~read:~~

39 ~~13823.9. (a) Every public or private general acute care hospital~~  
40 ~~that examines a victim of sexual assault or attempted sexual assault,~~

1 including child molestation and the sexual assault of victims with  
2 disabilities, shall comply with the standards specified in Section  
3 13823.11 and the protocol and guidelines adopted pursuant to  
4 Section 13823.5.

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

15 (c) Each county shall designate at least one general acute care  
16 hospital to perform examinations on victims of sexual assault,  
17 including child molestation and the sexual assault of victims with  
18 disabilities.

19 (d) (1) The protocol published by the agency or agencies  
20 designated by the Director of Finance pursuant to Section 13820  
21 shall be used as a guide for the procedures to be used by every  
22 public or private general acute care hospital in the state for the  
23 examination and treatment of victims of sexual assault and  
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.

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

32 SEC. 18. Section 13823.13 of the Penal Code is amended to  
33 read:

34 13823.13. (a) The agency or agencies designated by the  
35 Director of Finance pursuant to Section 13820 shall develop a  
36 course of training for qualified health care professionals relating  
37 to the examination and treatment of victims of sexual assault,  
38 including child victims and victims with disabilities. In developing  
39 the curriculum for the course, the agency or agencies designated  
40 by the Director of Finance pursuant to Section 13820 shall consult

1 with health care professionals and appropriate law enforcement  
2 agencies. The agency or agencies designated by the Director of  
3 Finance pursuant to Section 13820 shall also obtain  
4 recommendations from the same health care professionals and  
5 appropriate law enforcement agencies on the best means to  
6 disseminate the course of training on a statewide basis.

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

10 (1) Perform a health assessment of victims of sexual assault in  
11 accordance with any applicable minimum standards set forth in  
12 Section 13823.11.

13 (2) Collect and document physical and laboratory evidence in  
14 accordance with any applicable minimum standards set forth in  
15 Section 13823.11.

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

18 (4) Present testimony in court.

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

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

33 ~~SEC. 19.~~

34 *SEC. 12.* Section 13823.16 of the Penal Code is amended to  
35 read:

36 13823.16. (a) The Comprehensive Statewide Domestic  
37 Violence Program established pursuant to Section 13823.15 shall  
38 be collaboratively administered by the California Emergency  
39 Management Agency and an advisory council. The membership  
40 of the Domestic Violence Advisory Council shall consist of experts

1 in the provision of either direct or intervention services to battered  
2 women and their children, within the scope and intention of the  
3 Domestic Violence Assistance Program.

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

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

20 (2) Three voting members shall be appointed by the Speaker of  
21 the Assembly.

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

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

31 (c) The California Emergency Management Agency shall  
32 collaborate closely with the council in developing funding  
33 priorities, framing the request for proposals, and soliciting  
34 proposals.

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

38 ~~SEC. 20.~~

39 *SEC. 13.* Section 13836 of the Penal Code is amended to read:

1 13836. (a) The agency or agencies designated by the Director  
2 of Finance pursuant to Section 13820 shall establish an advisory  
3 committee which shall develop a course of training for district  
4 attorneys in the investigation and prosecution of sexual assault  
5 cases, child sexual exploitation cases, and child sexual abuse cases  
6 and shall approve grants awarded pursuant to Section 13837. The  
7 courses shall include training in the unique emotional trauma  
8 experienced by victims of these crimes and the special problems  
9 of investigating and prosecuting these crimes when committed  
10 against individuals with disabilities.

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

16 ~~SEC. 21.~~

17 *SEC. 14.* Section 13836.1 of the Penal Code is amended to  
18 read:

19 13836.1. (a) The committee shall consist of 11 members. Five  
20 shall be appointed by the executive director of the agency or  
21 agencies designated by the Director of Finance pursuant to Section  
22 13820, and shall include three district attorneys or assistant or  
23 deputy district attorneys, one representative of a city police  
24 department or a sheriff or a representative of a sheriff's department,  
25 and one public defender or assistant or deputy public defender of  
26 a county. Six shall be public members appointed by the  
27 Commission on the Status of Women, and shall include one  
28 representative of a rape crisis center, one expert on crimes against  
29 persons with disabilities, and one medical professional experienced  
30 in dealing with sexual assault trauma victims. The committee  
31 members shall represent the points of view of diverse ethnic and  
32 language groups.

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

39 (c) Members of the committee shall receive no compensation  
40 for their services but shall be reimbursed for their expenses actually

1 and necessarily incurred by them in the performance of their duties.  
2 Staff support for the committee shall be provided by the agency  
3 or agencies designated by the Director of Finance pursuant to  
4 Section 13820.

5 ~~SEC. 22.~~

6 *SEC. 15.* Section 14213 of the Penal Code is amended to read:

7 14213. (a) As used in this title, “missing person” includes, but  
8 is not limited to, a child who has been taken, detained, concealed,  
9 enticed away, or retained by a parent in violation of Chapter 4  
10 (commencing with Section 277) of Title 9 of Part 1. It also includes  
11 any child who is missing voluntarily or involuntarily, or under  
12 circumstances not conforming to his or her ordinary habits or  
13 behavior and who may be in need of assistance.

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

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

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

19 (3) The person missing has no pattern of running away or  
20 disappearing.

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

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

23 (c) As used in this title, “child” is any person under the age of  
24 18.

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

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

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

32 ~~SEC. 23.~~

33 *SEC. 16.* Section 4427 of the Welfare and Institutions Code is  
34 amended to read:

35 4427. (a) When the department has reason to believe that any  
36 person held in custody as developmentally disabled is wrongfully  
37 deprived of his or her liberty, is cruelly or negligently treated, that  
38 inadequate provision is made for the skillful medical care, proper  
39 supervision, and safekeeping of that person, or is otherwise the  
40 victim of a crime, the department shall do either of the following:

- 1 (1) Report the case immediately to the local police department  
 2 or sheriff’s office that has jurisdiction.
- 3 (2) Ascertain the facts. It may issue compulsory process for the  
 4 attendance of witnesses and the production of papers, and may  
 5 exercise the powers conferred upon a referee in a superior court.  
 6 It may make such orders for the care and treatment of that person  
 7 as it deems proper. If the department ascertains that the person is  
 8 the victim of a crime, the department shall report the case  
 9 immediately to the local law enforcement agency that has  
 10 jurisdiction.
- 11 (b) Whenever the department undertakes an investigation into  
 12 the general management and administration of any establishment  
 13 or place of detention for the developmentally disabled, it may give  
 14 notice of such investigation to the Attorney General, who shall  
 15 appear personally or by deputy, to examine witnesses in attendance  
 16 and to assist the department in the exercise of the powers conferred  
 17 upon it in this code.
- 18 (c) The department may at any time cause the patients of any  
 19 county or city almshouse to be visited and examined, in order to  
 20 ascertain if developmentally disabled persons are kept therein.
- 21 ~~SEC. 24.~~
- 22 *SEC. 17.* Section 4427.5 of the Welfare and Institutions Code  
 23 is amended to read:
- 24 4427.5. (a) (1) A developmental center shall immediately  
 25 report all resident deaths and serious injuries of unknown origin  
 26 to the appropriate local law enforcement agency, which may, at  
 27 its discretion, conduct an independent investigation.
- 28 (2) The reporting requirements of this subdivision are in addition  
 29 to, and do not substitute for, the reporting requirements of  
 30 mandated reporters.
- 31 (b) The department shall do both of the following:
- 32 (1) Annually provide written information to every developmental  
 33 center employee regarding all of the following:
- 34 (A) The statutory and departmental requirements for mandatory  
 35 reporting of suspected or known abuse.
- 36 (B) The rights and protections afforded to individuals’ reporting  
 37 of suspected or known abuse.
- 38 (C) The penalties for failure to report suspected or known abuse.

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

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

9 ~~SEC. 25.~~

10 *SEC. 18.* Section 4689.25 is added to the Welfare and  
11 Institutions Code, to read:

12 ~~4689.25. (a) (1) Except as provided in subdivision (c), a~~  
13 ~~nonlicensed service provider may submit to the Department of~~  
14 ~~Justice evidence of a vendor relationship with a regional center,~~  
15 ~~showing the effective date. The submission shall include a request~~  
16 ~~for subsequent arrest notification, as provided in Section 11105.2~~  
17 ~~of the Penal Code.~~

18 ~~(2) A nonlicensed service provider that has made a submission~~  
19 ~~pursuant to paragraph (1) shall immediately notify the Department~~  
20 ~~of Justice of the termination of the vendor relationship with the~~  
21 ~~regional center, showing the termination date.~~

22 ~~(3) (A) Once verified by the Department of Justice and until~~  
23 ~~the vendor relationship is terminated, a nonlicensed service~~  
24 ~~provider may electronically submit fingerprint images and related~~  
25 ~~information required by the Department of Justice concerning any~~  
26 ~~current or prospective employee or volunteer, for the purposes of~~  
27 ~~obtaining the following information as to those persons:~~

28 ~~(i) Every conviction rendered against the current or prospective~~  
29 ~~employee or volunteer.~~

30 ~~(ii) Every arrest for an offense for which the current or~~  
31 ~~prospective employee or volunteer is presently awaiting trial,~~  
32 ~~whether he or she is incarcerated or has been released on bail or~~  
33 ~~on his or her own recognizance pending trial.~~

34 ~~(B) The Department of Justice shall electronically provide a~~  
35 ~~response to the nonlicensed service provider pursuant to~~  
36 ~~subdivision (p) of Section 11105 of the Penal Code.~~

37 ~~(4) The Department of Justice shall charge a fee sufficient to~~  
38 ~~cover the cost of processing the submissions described in this~~  
39 ~~section.~~

1 4689.25. (a) A nonlicensed service provider shall submit to  
2 the Department of Justice evidence of a vendor relationship with  
3 a regional center, showing the effective and ending date, if any.  
4 Once approved by the Department of Justice, a nonlicensed service  
5 provider may electronically submit fingerprint images and related  
6 information required by the Department of Justice of all current  
7 or prospective employees or volunteers for the purposes of  
8 obtaining information as to the existence and content of a record  
9 of state convictions and of those state arrests, for which the  
10 Department of Justice establishes that the person is free on bail  
11 or on his or her recognizance pending trial or appeal.

12 (1) The Department of Justice shall electronically provide a  
13 response to the nonlicensed service provider pursuant to paragraph  
14 (1) of subdivision (n) of Section 11105 of the Penal Code.

15 (2) A nonlicensed service provider may request from the  
16 Department of Justice subsequent arrest notification service, as  
17 provided in Section 11105.2 of the Penal Code, for persons  
18 described in subdivision (a).

19 (3) The Department of Justice shall charge a fee sufficient to  
20 cover the cost of processing the request described in this section.

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

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

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

39 (4) A nonlicensed service provider may use any information in  
40 the initial response and any subsequent notifications from the

1 Department of Justice in decisions regarding employment,  
2 relocation, and termination of an employee or volunteer, except  
3 as prohibited by law.

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

7 (2) A nonlicensed service provider that does not take the actions  
8 authorized by subdivision (a) concerning each current or  
9 prospective employee and volunteer shall provide a disclosure to  
10 each consumer served and to the regional center that some or all  
11 current or prospective employees and volunteers have not been  
12 subject to a fingerprint-based Department of Justice criminal record  
13 search. A nonlicensed service provider that has not submitted  
14 evidence to the Department of Justice pursuant to ~~paragraph (1)~~  
15 ~~of~~ subdivision (a) shall provide the disclosure to all current  
16 consumers and the regional center by August 1, 2010, and shall  
17 provide the disclosure to each new consumer before the consumer  
18 receives any services from the nonlicensed service 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 other  
24 person for any costs incurred by actions that this section authorizes  
25 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.~~

33 *SEC. 19.* Chapter 10.5 (commencing with Section 15590) is  
34 added to Part 3 of Division 9 of the Welfare and Institutions Code,  
35 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 Advocates for Nursing Home  
38 Reform; California Assisted Living Association; California  
39 Association for Adult Day Services; California Association of  
40 Health Facilities; California Coalition Against Sexual Assault;

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

21 ~~SEC. 27.~~

22 *SEC. 20.* Section 15610.19 of the Welfare and Institutions  
23 Code is amended to read:

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

33 ~~SEC. 28.~~

34 *SEC. 21.* Section 15763 of the Welfare and Institutions Code  
35 is amended to read:

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

1 immediate life threats and to crises in existing cases. The program  
2 shall include policies and procedures to accomplish all of the  
3 following:

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

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

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

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

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

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

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

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

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

36 *SEC. 23.* *If the Commission on State Mandates determines that*  
37 *this act contains costs mandated by the state, reimbursement to*  
38 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*  
2 *4 of Title 2 of the Government Code.*

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