

AMENDED IN SENATE JANUARY 26, 2010

AMENDED IN SENATE JANUARY 4, 2010

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 21, 2009

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, 11174.5, 11174.7, 13519.64, 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 368.5~~ and *Section* 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, and 15763 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 require the Department of Justice to send a bulletin to law enforcement agencies and district attorneys describing the laws relating to the protection of persons with disabilities, as specified.~~

Existing law authorizes any county to establish an interagency elder death team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communications among persons who perform autopsies and persons involved in the investigation or reporting of elder abuse or neglect. Existing law establishes procedures for the sharing or disclosure of information by elder death review teams.

This bill would rename these teams “elder and dependent adult death review teams” and would expand the authority of these teams to cover dependent adult death abuse, and neglect, as specified.

Existing law provides for the training of peace officers.

~~This bill would authorize and strongly encourage every local 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 *each time* that telecourse is updated, as specified.~~

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

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

Existing law provides for the creation of an advisory committee responsible for developing a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Existing law requires that the courses shall include training in the unique emotional trauma experienced by victims of these crimes. Existing law requires that the

committee shall exist of 11 members of which 6 shall be public members appointed by the Commission on the Status of Women, as specified.

This bill would additionally require the courses to include training in the special problems of investigating and prosecuting these crimes when committed against individuals with disabilities. The bill would require that one of the appointees of the Commission on the Status of Women be an expert on crimes against persons with disabilities, appointed as specified.

Existing law requires the Attorney General to establish and maintain the Violent Crime Information Center to assist in the identification and the apprehension of persons responsible for specific violent crimes and the disappearance and exploitation of persons, particularly children and dependent adults. Within these provisions, the term “evidence that the person is at risk” includes, for purposes of missing persons, among other things, evidence or indications that a person is mentally impaired.

This bill would instead include, within the term “evidence that the person is at risk,” evidence that the person missing has a mental or physical disability.

Existing law provides that each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, 7 days per week, to reports of abuse of an elder or dependent adult, as specified.

This bill would make technical changes to those provisions.

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 2010.

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~~

1 crime victims. Evidence suggests that the harmful effects may be
2 more serious and chronic for victims with disabilities.

3 ~~(d) California and national research has found particularly~~
4 ~~disturbing indications, including:~~

5 ~~(1) Californians with developmental disabilities are victimized~~
6 ~~4 to 10 times more frequently than the general population, and~~
7 ~~they are at a higher risk of revictimization.~~

8 ~~(2) The rate of victimization of Californians with severe and~~
9 ~~persistent mental illness is 1,970 percent that of the general~~
10 ~~population. The rate of victimization for those diagnosed with both~~
11 ~~mental illness and substance abuse is 6,300 percent of that of the~~
12 ~~general population.~~

13 ~~(3) Of Californians with developmental disabilities, about 8 in~~
14 ~~10 women and 4 in 10 men have been sexually abused. About 4~~
15 ~~in 10 women and 2 in 10 men have been sexually abused at least~~
16 ~~10 times.~~

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

20 ~~(5) Mentally ill prison and jail inmates face a significantly higher~~
21 ~~risk of being the victims of violence, particularly sexual abuse,~~
22 ~~than other inmates.~~

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

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

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

37 ~~(e) Research indicates that criminals select people with~~
38 ~~disabilities as their victims because of two major categories of~~
39 ~~motivations, as follows:~~

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

6 ~~(2) Belief that people with disabilities are especially vulnerable,~~
7 ~~a belief that is often well founded.~~

8 ~~(f) It is the intent of the Legislature to clarify and enforce~~
9 ~~existing laws and make California the national leader in humane~~
10 ~~treatment of people with disabilities.~~

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

18 ~~(h) Crimes against victims with disabilities occur in the~~
19 ~~jurisdiction of every law enforcement agency and every district~~
20 ~~attorney’s office. Every law enforcement officer encounters persons~~
21 ~~with disabilities who may be particularly vulnerable to crime and~~
22 ~~who have a disproportionately high likelihood of becoming victims.~~

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

26 ~~(1) Children.~~

27 ~~(2) Elders.~~

28 ~~(3) Homeless persons.~~

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

30 ~~(5) Residents of public and private treatment and care facilities~~
31 ~~of all kinds.~~

32 ~~(j) Many crimes against victims with disabilities are motivated~~
33 ~~in whole or in part by preexisting negative attitudes toward the~~
34 ~~victims’ disabilities, including hostility to persons who arouse~~
35 ~~guilt, fear of or revulsion to persons whose visible traits are~~
36 ~~disturbing to others, a perception that persons with disabilities are~~
37 ~~inferior or deserving of victimization, belief that persons with~~
38 ~~particular disabilities are weak and therefore easy targets, and~~
39 ~~resentment of those who need and increasingly demand alternative~~
40 ~~physical and social accommodations. Law enforcement agencies~~

1 ~~must investigate these crimes as hate crimes and report them to~~
2 ~~the Department of Justice as Section 13023 of the Penal Code~~
3 ~~requires.~~

4 ~~(k) Preventing, recognizing, and responding to crimes against~~
5 ~~victims with disabilities often require special training, which all~~
6 ~~officers should receive. Investigating and successfully prosecuting~~
7 ~~these crimes often require more advanced training, which some~~
8 ~~officers in every agency should receive.~~

9 ~~SEC. 3.~~

10 ~~SEC. 2. The heading of Chapter 13 (commencing with Section~~
11 ~~368) is added to Title 9 of Part 1 of the Penal Code, immediately~~
12 ~~preceding Section 368, to read:~~

13
14 ~~CHAPTER 13. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,~~
15 ~~AND PERSONS WITH DISABILITIES~~

16
17 ~~SEC. 4. Section 368.5 is added to the Penal Code, to read:~~

18 ~~368.5. By February 1, 2010, the Department of Justice shall~~
19 ~~electronically send a bulletin to the executive of each state and~~
20 ~~local law enforcement agency and to each district attorney. The~~
21 ~~content of the bulletin shall include, but not be limited to, each of~~
22 ~~the following sections, entitled and described as follows:~~

23 ~~(a) “New Law: Importance and Urgency.” This section shall~~
24 ~~include a statement of the importance and urgency that the law~~
25 ~~now places on arresting and convicting criminals who commit~~
26 ~~crimes against victims with disabilities and on assisting their~~
27 ~~victims, as demonstrated by enactment of the Crime Victims with~~
28 ~~Disabilities Act of 2009.~~

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

32 ~~(c) “Requirements and Recommendations.” This section shall~~
33 ~~include the following requirements for law enforcement agencies~~
34 ~~and district attorneys:~~

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

38 ~~(2) The requirement that every city police officer or deputy~~
39 ~~sheriff at a supervisory level and below who is assigned field or~~
40 ~~investigative duties shall complete an elder and dependent adult~~

1 ~~abuse training course certified by the Commission on Peace Officer~~
2 ~~Standards and Training within 18 months of assignment to field~~
3 ~~duties, pursuant to Section 13515.~~

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

9 ~~(4) The requirement that local law enforcement agencies provide~~
10 ~~the telecourse “Law Enforcement Response to Homelessness~~
11 ~~Update” to their officers, and the strong encouragement that local~~
12 ~~law enforcement agencies provide this training in conjunction with~~
13 ~~homeless and formerly homeless persons, local agencies, and~~
14 ~~organizations that serve homeless and formerly homeless people,~~
15 ~~including homeless persons with disabilities, and invite those local~~
16 ~~organizations to attend the training sessions and discuss the~~
17 ~~problem of crime against homeless victims and law enforcement~~
18 ~~response to homelessness with the agency’s officers, pursuant to~~
19 ~~paragraph (2) of subdivision (b) of Section 13519.64.~~

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

26 ~~SEC. 5.~~

27 ~~SEC. 3. Section 11163.6 of the Penal Code is amended to read:~~

28 ~~11163.6. In order to ensure consistent and uniform results, data~~
29 ~~may be collected and summarized by the domestic violence death~~
30 ~~review teams to show the statistical occurrence of domestic~~
31 ~~violence deaths in the team’s county that occur under the following~~
32 ~~circumstances:~~

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

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

38 ~~(c) The deceased was the perpetrator of the homicide of a former~~
39 ~~or current spouse, fiancé, or dating partner and the perpetrator was~~
40 ~~also the victim of a suicide.~~

1 (d) 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 homicide related to the domestic homicide
4 incident.

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

7 (f) The deceased was a current or former spouse, fiancé, or
8 dating partner of the current or former spouse, fiancé, or dating
9 partner of the perpetrator.

10 (g) The deceased was a law enforcement officer, emergency
11 medical personnel, or other agency responding to a domestic
12 violence incident.

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

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

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

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

21 ~~SEC. 6.~~

22 *SEC. 4.* The heading of Article 2.7 (commencing with Section
23 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code is
24 amended to read:

25
26 Article 2.7. Elder and Dependent Adult Death Review Teams

27
28 ~~SEC. 7.~~

29 *SEC. 5.* Section 11174.5 of the Penal Code is amended to read:

30 11174.5. (a) Each county may establish an interagency elder
31 and dependent adult death team to assist local agencies in
32 identifying and reviewing suspicious elder and dependent adult
33 deaths and facilitating communication among persons who perform
34 autopsies and the various persons and agencies involved in elder
35 and dependent adult abuse or neglect cases.

36 (b) Each county may develop a protocol that may be used as a
37 guideline by persons performing autopsies on elders and dependent
38 adults to assist coroners and other persons who perform autopsies
39 in the identification of elder and dependent adult abuse or neglect,
40 in the determination of whether elder or dependent adult abuse or

1 neglect contributed to death or whether elder or dependent adult
2 abuse or neglect had occurred prior to, but was not the actual cause
3 of, death, and in the proper written reporting procedures for elder
4 and dependent adult abuse or neglect, including the designation
5 of the cause and mode of death.

6 ~~SEC. 8.~~

7 *SEC. 6.* Section 11174.7 of the Penal Code is amended to read:

8 11174.7. (a) An oral or written communication or a document
9 shared within or produced by an elder and dependent adult death
10 review team related to an elder or dependent adult death review
11 is confidential and not subject to disclosure or discoverable by
12 another third party.

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

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

23 ~~SEC. 9.~~

24 *SEC. 7.* Section 13519.64 of the Penal Code is amended to
25 read:

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

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

17 (2) Every local law enforcement agency that participates in and
 18 ~~complies with the POST program, 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 *complies with the POST program may provide the telecourse,*
 22 “*Law Enforcement Response to Homelessness Update,*” to its
 23 peace officers.

24 ~~SEC. 10.~~

25 SEC. 8. Section 13519.65 is added to the Penal Code, to read:
 26 13519.65. (a) Every state law enforcement agency that
 27 participates in and complies with the POST program ~~shall~~ *may*
 28 provide training to its peace officers using the telecourse “Crime
 29 Victims with Disabilities,” produced by the Commission on Peace
 30 Officer Standards and Training and the Department of Justice.
 31 ~~This requirement shall take effect if, each time that~~ the commission,
 32 the department, or both the commission and the department update
 33 the telecourse to reflect changes in law, standards, and information
 34 since they produced the telecourse in 2002.

35 (b) Every local law enforcement agency that participates in and
 36 complies with the POST program may provide training to its
 37 officers using the telecourse “Crime Victims with Disabilities,”
 38 ~~and the Legislature strongly encourages each local law enforcement~~
 39 ~~agency to do so~~ if the commission, the department, or both the
 40 commission and the department update the telecourse.

1 ~~SEC. 11.~~

2 *SEC. 9.* Section 13823.16 of the Penal Code is amended to
3 read:

4 13823.16. (a) The Comprehensive Statewide Domestic
5 Violence Program established pursuant to Section 13823.15 shall
6 be collaboratively administered by the California Emergency
7 Management Agency (Cal EMA) and an advisory council. The
8 membership of the (Cal EMA) Domestic Violence Advisory
9 Council shall consist of experts in the provision of either direct or
10 intervention services to victims of domestic violence and their
11 children, within the scope and intention of the Comprehensive
12 Statewide Domestic Violence Assistance Program.

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

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

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

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

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

1 (c) The Cal EMA shall collaborate closely with the council in
2 developing funding priorities, framing the request for proposals,
3 and soliciting proposals.

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

7 ~~SEC. 12.~~

8 *SEC. 10.* 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. 13.~~

25 *SEC. 11.* Section 13836.1 of the Penal Code is amended to
26 read:

27 13836.1. (a) The committee shall consist of 11 members. Five
28 shall be appointed by the executive director of the agency or
29 agencies designated by the Director of Finance pursuant to Section
30 13820, and shall include three district attorneys or assistant or
31 deputy district attorneys, one representative of a city police
32 department or a sheriff or a representative of a sheriff's department,
33 and one public defender or assistant or deputy public defender of
34 a county. Six shall be public members appointed by the
35 Commission on the Status of Women, and shall include one
36 representative of a rape crisis center, one expert on crimes against
37 persons with disabilities, and one medical professional experienced
38 in dealing with sexual assault trauma victims. The committee
39 members shall represent the points of view of diverse ethnic and
40 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, 2011.

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. 14.~~

14 *SEC. 12.* Section 14213 of the Penal Code is amended to read:

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

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

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

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

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

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

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

31 (c) As used in this title, “child” is any person under the age of
32 18.

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

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

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

1 ~~SEC. 15.~~

2 *SEC. 13.* Section 4427 of the Welfare and Institutions Code is
3 amended to read:

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

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

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

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

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

30 ~~SEC. 16.~~

31 *SEC. 14.* Section 4427.5 of the Welfare and Institutions Code
32 is amended to read:

33 4427.5. (a) (1) A developmental center shall immediately
34 report all resident deaths and serious injuries of unknown origin
35 to the appropriate local law enforcement agency, which may, at
36 its discretion, conduct an independent investigation.

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

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

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

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

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

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

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

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

16 ~~SEC. 17.~~

17 *SEC. 15.* Section 15763 of the Welfare and Institutions Code
18 is amended to read:

19 15763. (a) Each county shall establish an emergency response
20 adult protective services program that shall provide in-person
21 response, 24 hours per day, seven days per week, to reports of
22 abuse of an elder or a dependent adult, for the purpose of providing
23 immediate intake or intervention, or both, to new reports involving
24 immediate life threats and to crises in existing cases. The program
25 shall include policies and procedures to accomplish all of the
26 following:

27 (1) Provision of case management services that include
28 investigation of the protection issues, assessment of the person's
29 concerns, needs, strengths, problems, and limitations, stabilization
30 and linking with community services, and development of a service
31 plan to alleviate identified problems utilizing counseling,
32 monitoring, followup, and reassessment.

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

36 (3) Establishment of multidisciplinary teams to develop
37 interagency treatment strategies, to ensure maximum coordination
38 with existing community resources, to ensure maximum access
39 on behalf of elders and dependent adults, and to avoid duplication
40 of efforts.

1 (b) (1) A county shall respond immediately to any report of
2 imminent danger to an elder or dependent adult in other than a
3 long-term care facility, as defined in Section 9701 of the Welfare
4 and Institutions Code, or a residential facility, as defined in Section
5 1502 of the Health and Safety Code. For reports involving persons
6 in a long-term care facility or a residential care facility, the county
7 shall report to the local long-term care ombudsman program. Adult
8 protective services staff shall consult, coordinate, and support
9 efforts of the ombudsman program to protect vulnerable residents.
10 Except as specified in paragraph (2), the county shall respond to
11 all other reports of danger to an elder or dependent adult in other
12 than a long-term care facility or residential care facility within 10
13 calendar days or as soon as practicably possible.

14 (2) An immediate or 10-day in-person response is not required
15 when the county, based upon an evaluation of risk, determines and
16 documents that the elder or dependent adult is not in imminent
17 danger and that an immediate or 10-day in-person response is not
18 necessary to protect the health or safety of the elder or dependent
19 adult.

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

25 (4) Notwithstanding Chapter 3.5 (commencing with Section
26 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
27 the department shall implement the requirements developed
28 pursuant to paragraph (3) by means of all-county letters or similar
29 instructions prior to adopting regulations for that purpose.
30 Thereafter, the department shall adopt regulations in accordance
31 with the requirements of Chapter 3.5 (commencing with Section
32 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

33 (c) A county shall not be required to report or respond to a report
34 pursuant to subdivision (b) that involves danger to an elder or
35 dependent adult residing in any facility for the incarceration of
36 prisoners that is operated by or under contract to the Federal Bureau
37 of Prisons, the Department of Corrections and Rehabilitation, a
38 county sheriff's department, a county probation department, a city
39 police department, or any other law enforcement agency when the
40 abuse reportedly has occurred in that facility.

1 (d) A county shall provide case management services to elders
2 and dependent adults who are determined to be in need of adult
3 protective services for the purpose of bringing about changes in
4 the lives of victims and to provide a safety net to enable victims
5 to protect themselves in the future. Case management services
6 shall include the following, to the extent services are appropriate
7 for the individual:

8 (1) Investigation of the protection issues, including, but not
9 limited to, social, medical, environmental, physical, emotional,
10 and developmental.

11 (2) Assessment of the person's concerns and needs on whom
12 the report has been made and the concerns and needs of other
13 members of the family and household.

14 (3) Analysis of problems and strengths.

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

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

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

20 (7) Stabilizing and linking with community services.

21 (8) Monitoring and followup.

22 (9) Reassessments, as appropriate.

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

28 (f) Each county shall designate an adult protective services
29 agency to establish and maintain multidisciplinary teams including,
30 but not limited to, adult protective services, law enforcement,
31 probation departments, home health care agencies, hospitals, adult
32 protective services staff, the public guardian, private community
33 service agencies, public health agencies, and mental health agencies
34 for the purpose of providing interagency treatment strategies.

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

1 ~~SEC. 18.~~ It is the intent of the Legislature that nothing in this
2 act creates any new substantial General Fund costs. To that end,
3 notwithstanding any provision of law to the contrary, all of the
4 following shall apply:
5 ~~(a)~~ Nothing in this act requires a state agency to revise any form,
6 document, or other material if that revision would create a General
7 Fund cost that is more than minor and absorbable.
8 ~~(b)~~ Nothing in this act requires a state or local agency to adopt
9 or revise a regulation.
10 ~~(c)~~ Nothing in this act creates a new training requirement for
11 any state agency if that training requirement would create a General
12 Fund cost that is more than minor and absorbable.
13 ~~(d)~~ Any provision of this act that requires a state agency to take
14 any action is contingent on the availability and appropriation of
15 adequate funds.
16 ~~SEC. 19.~~ If the Commission on State Mandates determines
17 that this act contains costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.