

ASSEMBLY BILL

No. 717

Introduced by Assembly Member Ammiano

February 17, 2011

An act to amend Section 11169 of the Penal Code, relating to the Child Abuse Central Index.

LEGISLATIVE COUNSEL'S DIGEST

AB 717, as introduced, Ammiano. Child Abuse Central Index.

Existing law, subject to exceptions, requires specified local agencies to forward to the Department of Justice a report in writing of every case it investigates of known or suspected child abuse or severe neglect which is determined not to be unfounded, for purposes of inclusion by the department in the Child Abuse Central Index.

This bill would make a technical, nonsubstantive change to those provisions.

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

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

- 1 SECTION 1. Section 11169 of the Penal Code is amended to
2 read:
3 11169. (a) An agency specified in Section 11165.9 shall
4 forward to the Department of Justice a report in writing of every
5 case it investigates of known or suspected child abuse or severe
6 neglect ~~which~~ *that* is determined not to be unfounded, other than
7 cases coming within subdivision (b) of Section 11165.2. An agency
8 shall not forward a report to the Department of Justice unless it

1 has conducted an active investigation and determined that the
2 report is not unfounded, as defined in Section 11165.12. If a report
3 has previously been filed which subsequently proves to be
4 unfounded, the Department of Justice shall be notified in writing
5 of that fact and shall not retain the report. The reports required by
6 this section shall be in a form approved by the Department of
7 Justice and may be sent by fax or electronic transmission. An
8 agency specified in Section 11165.9 receiving a written report
9 from another agency specified in Section 11165.9 shall not send
10 that report to the Department of Justice.

11 (b) At the time an agency specified in Section 11165.9 forwards
12 a report in writing to the Department of Justice pursuant to
13 subdivision (a), the agency shall also notify in writing the known
14 or suspected child abuser that he or she has been reported to the
15 Child Abuse Central Index. The notice required by this section
16 shall be in a form approved by the Department of Justice. The
17 requirements of this subdivision shall apply with respect to reports
18 forwarded to the department on or after the date on which this
19 subdivision becomes operative.

20 (c) Agencies shall retain child abuse or neglect investigative
21 reports that result in a report filed with the Department of Justice
22 pursuant to subdivision (a) for the same period of time that the
23 information is required to be maintained on the Child Abuse
24 Central Index pursuant to this section and subdivision (a) of Section
25 11170. Nothing in this section precludes an agency from retaining
26 the reports for a longer period of time if required by law.

27 (d) The immunity provisions of Section 11172 shall not apply
28 to the submission of a report by an agency pursuant to this section.
29 However, nothing in this section shall be construed to alter or
30 diminish any other immunity provisions of state or federal law.