

AMENDED IN SENATE AUGUST 16, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1226**

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**Introduced by ~~Committee on Veterans Affairs (Cook (Chair), Block, Gorell, Nielsen, V. Manuel Pérez, Williams, and Yamada)~~  
Assembly Members Cook, Galgiani, and Hall  
(Coauthors: Assembly Members Beth Gaines, Harkey, Jeffries,  
Portantino, Silva, and Valadao)  
(Coauthor: Senator Berryhill)**

February 18, 2011

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~~An act to amend Section 974 of the Military and Veterans Code, relating to veterans. An act to add Section 273j to the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1226, as amended, ~~Committee on Veterans Affairs Cook. Department of Veterans Affairs: annual report: county veterans service officer activities. Crimes.~~

*Existing law makes it a crime for a parent or guardian of a minor child to willfully omit, without lawful excuse, clothing, food, shelter, or medical care for the child. Existing law also makes it a crime for a parent or guardian to desert a child under 14 years of age with the intent to abandon him or her.*

*This bill would make it a felony for a parent, guardian, or caregiver having the care, custody, and control of a child under 18 years of age to knowingly fail to report the child's death and the location of the child's remains to law enforcement, emergency medical personnel, or the coroner within 2 hours of the discovery of the child's death or as*

soon as possible thereafter if reasonable and expedient means to notify were not previously available. This bill would provide that the reporting requirement described above is fulfilled if the child dies in a hospital or other medical care facility or under the care of a licensed medical professional. The bill would further make it a felony for a parent, guardian, or caregiver having the care, custody, and control of a child under 12 years of age to knowingly fail to report the child's disappearance to law enforcement within 48 hours of the child's disappearance or as soon as possible thereafter if reasonable and expedient means to notify were not previously available. By creating new crimes, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Existing law requires the Department of Veterans Affairs to annually prepare a report of the activities of county veterans service officers, as specified, and may require each county veterans service officer to submit information required to prepare the report.

This bill would expand the reporting requirements of the Department of Veterans Affairs to include the percentage of veterans receiving, and how California ranks among all states in the percentage of veterans receiving, federal veteran compensation and pension benefits.

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~<sup>yes</sup>.

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

- 1     SECTION 1. This act shall be known, and may be cited, as
- 2     Caylee's Law.
- 3     SEC. 2. Section 273j is added to the Penal Code, to read:
- 4     273j. (a) (1) Any parent, guardian, or caregiver having the
- 5     care, custody, and control of a child under 18 years of age who
- 6     knowingly fails to report the child's death and the location of the
- 7     child's remains to law enforcement, emergency medical personnel,
- 8     or the coroner within two hours of the discovery of the child's

1 *death, or as soon as possible thereafter if reasonable and expedient*  
2 *means to notify law enforcement, emergency medical personnel,*  
3 *or the coroner were not previously available, shall be guilty of a*  
4 *felony.*

5 *(2) The reporting requirement contained in paragraph (1) of*  
6 *this subdivision shall be deemed fulfilled, with no further action*  
7 *by the parent, guardian, or caregiver required, if the child dies in*  
8 *a hospital or other medical care facility or if the child dies under*  
9 *the care of a licensed medical professional.*

10 *(b) Any parent, guardian, or caregiver having the care, custody,*  
11 *and control of a child under 12 years of age who knowingly fails*  
12 *to report the child's disappearance to law enforcement within 48*  
13 *hours of the child's disappearance, or as soon as possible*  
14 *thereafter if reasonable and expedient means to notify law*  
15 *enforcement were not previously available, shall be guilty of a*  
16 *felony.*

17 *(c) Nothing in this section shall preclude or prohibit prosecution*  
18 *under any other law of this state.*

19 *SEC. 3. No reimbursement is required by this act pursuant to*  
20 *Section 6 of Article XIII B of the California Constitution because*  
21 *the only costs that may be incurred by a local agency or school*  
22 *district will be incurred because this act creates a new crime or*  
23 *infraction, eliminates a crime or infraction, or changes the penalty*  
24 *for a crime or infraction, within the meaning of Section 17556 of*  
25 *the Government Code, or changes the definition of a crime within*  
26 *the meaning of Section 6 of Article XIII B of the California*  
27 *Constitution.*

28 *SEC. 4. This act is an urgency statute necessary for the*  
29 *immediate preservation of the public peace, health, or safety within*  
30 *the meaning of Article IV of the Constitution and shall go into*  
31 *immediate effect. The facts constituting the necessity are:*

32 *In order to protect children from criminal acts that could lead*  
33 *to harm or death, it is necessary that this act take effect*  
34 *immediately.*

35 ~~SECTION 1. Section 974 of the Military and Veterans Code~~  
36 ~~is amended to read:~~

37 ~~974. (a) The Department of Veterans Affairs shall annually~~  
38 ~~prepare a report of the activities of county veterans service officers;~~  
39 ~~and may require each county veterans service officer to submit~~

1 information required to prepare the report. The report shall include,  
2 but not be limited to, all of the following:  
3 (1) ~~The number of monthly federal benefit payments obtained~~  
4 ~~on behalf of veterans.~~  
5 (2) ~~The total value of those monthly benefit payments.~~  
6 (3) ~~The average value of those monthly benefit payments.~~  
7 (4) ~~The number of one-time benefit payments obtained,~~  
8 ~~including both single-payment benefits and retroactive payments.~~  
9 (5) ~~The total value of one-time benefit payments obtained.~~  
10 (6) ~~The average value of these one-time benefit payments~~  
11 ~~obtained.~~  
12 (7) ~~The percentage of veterans receiving, and how California~~  
13 ~~ranks among all states in the percentage of veterans receiving,~~  
14 ~~federal veteran compensation and pension benefits.~~  
15 (b) ~~The information required to be included in paragraphs (1)~~  
16 ~~to (7), inclusive, of subdivision (a) shall be set forth for each county~~  
17 ~~together with a statewide total.~~  
18 (c) ~~The department shall transmit a copy of the report to the~~  
19 ~~Department of Finance, the State Department of Health Services,~~  
20 ~~or a successor department the California Veterans Board, and to~~  
21 ~~each Member of the Legislature.~~