

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2513

Introduced by Assembly Member Bonilla

February 24, 2012

An act to amend Section ~~185~~ of the Penal Code, relating to crimes 1524 of the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2513, as amended, Bonilla. ~~Crimes: wearing a disguise. Licensees: foster children: identity theft.~~

The California Community Care Facilities Act provides for the licensure and regulation of community care facilities by the State Department of Social Services, including, among others, foster family homes, small family homes, and foster family agencies, as defined. Under existing law, a violation of the act is a misdemeanor. Existing law requires a community care facility license to be forfeited by operation of law when specified conditions occur, including, among others, when the licensee is convicted of various crimes. Existing law requires that every person who willfully obtains personal identifying information, as defined, of another person, and uses that information for an unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, real property, or medical information without the consent of that person, is guilty of a public offense.

This bill would require that a community care facility license also be forfeited if the licensee operates a residential facility, as defined, for the care of foster children, and is convicted of willfully obtaining

personal identifying information of another and using that information, or attempting to use that information, for an unlawful purpose.

~~Existing law makes it a misdemeanor to wear a mask, false whiskers, or any personal disguise, as specified, with the purpose of evading or escaping discovery, recognition, or identification while committing a public offense, or for concealment, flight, evasion, or escape from arrest or conviction for any public offense.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

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

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

1 SECTION 1. Section 1524 of the Health and Safety Code is
2 amended to read:

3 1524. A license shall be forfeited by operation of law when
4 one of the following occurs:

5 (a) The licensee sells or otherwise transfers the facility or facility
6 property, except when change of ownership applies to transferring
7 of stock when the facility is owned by a corporation, and when
8 the transfer of stock does not constitute a majority change of
9 ownership.

10 (b) The licensee surrenders the license to the department.

11 (c) (1) The licensee moves a facility from one location to
12 another. The department shall develop regulations to ensure that
13 the facilities are not charged a full licensing fee and do not have
14 to complete the entire application process when applying for a
15 license for the new location.

16 (2) This subdivision shall not apply to a licensed foster family
17 home, a home certified by a licensed foster family agency, or a
18 home approved pursuant to Sections 309, 361.4, and 361.45 of the
19 Welfare and Institutions Code. When a foster family home licensee,
20 certified home parent, or a person approved to care for children
21 pursuant to Sections 309, 361.4, and 361.45 of the Welfare and
22 Institutions Code moves to a new location, the existing license,
23 certification, or approval may be transferred to the new location.
24 All caregivers to whom this paragraph applies shall be required to
25 meet all applicable licensing laws and regulations at the new
26 location.

1 (d) (1) The licensee is convicted of an offense specified in
2 Section 220, 243.4, or 264.1, or paragraph (1) of Section 273a,
3 Section 273d, 288, or 289 of the Penal Code, or is convicted of
4 another crime specified in subdivision (c) of Section 667.5 of the
5 Penal Code.

6 (2) *The licensee operates a residential facility, as defined in*
7 *Section 1502, for the care of foster children, and is convicted of*
8 *an offense specified in Section 530.5 of the Penal Code.*

9 (e) The licensee dies. If an adult relative notifies the department
10 of his or her desire to continue operation of the facility and submits
11 an application, the department shall expedite the application. The
12 department shall promulgate regulations for expediting applications
13 submitted pursuant to this subdivision.

14 (f) The licensee abandons the facility.

15 (g) When the certification issued by the State Department of
16 Developmental Services to a licensee of an Adult Residential
17 Facility for Persons with Special Health Care Needs, licensed
18 pursuant to Article 9 (commencing with Section 1567.50), is
19 rescinded.

20 ~~SECTION 1. Section 185 of the Penal Code is amended to~~
21 ~~read:~~

22 ~~185. It shall be unlawful for any person to wear any mask, false~~
23 ~~whiskers, or any personal disguise (whether complete or partial)~~
24 ~~for the purpose of:~~

25 ~~(a) Evading or escaping discovery, recognition, or identification~~
26 ~~in the commission of any public offense.~~

27 ~~(b) Concealment, flight, or escape, when charged with, arrested~~
28 ~~for, or convicted of, any public offense. Any person violating any~~
29 ~~of the provisions of this section is guilty of a misdemeanor.~~