

AMENDED IN SENATE MAY 10, 2011

**SENATE BILL**

**No. 285**

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**Introduced by Senator Correa**

February 14, 2011

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An act to add Chapter 1.3 (commencing with Section 628) to Title 15 of Part 1 of the Penal Code, relating to massage therapy.

LEGISLATIVE COUNSEL'S DIGEST

SB 285, as amended, Correa. Massage therapy instruction: fraud: criminal prosecutions.

(1) Existing law provides for the certification of massage practitioners and massage therapists by ~~the Massage Therapy Organization~~ *a massage therapy organization* and authorizes the legislative body of a city or county to enact ordinances providing for the licensing and regulation of the business of massage when carried on within the city or county.

This bill would provide that a person who provides a certificate, transcript, diploma, or other document, or otherwise affirms that a person has received instruction in massage therapy knowing that the person has not received instruction in massage therapy or knowing that the person has not received massage therapy instruction consistent with that document or affirmation is guilty of a misdemeanor and is subject to specified penalties. By creating a new crime, the bill would impose a state-mandated local program.

The bill would require ~~a~~ *the arresting* law enforcement agency, for any person ~~that~~, *who* is criminally prosecuted for a violation of law in connection with massage therapy, to provide to the ~~Massage Therapy Organization~~ *California Massage Therapy Council* information concerning the massage therapy instruction received by the person

prosecuted. By imposing new duties on local law enforcement agencies, the bill would impose a state-mandated local program.

(2) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Chapter 1.3 (commencing with Section 628) is  
2 added to Title 15 of Part 1 of the Penal Code, to read:

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CHAPTER 1.3. MASSAGE THERAPY

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6 628. A person who provides a certificate, transcript, diploma,  
7 or other document, or otherwise affirms that a person has received  
8 instruction in massage therapy knowing that the person has not  
9 received instruction in massage therapy or knowing that the person  
10 has not received massage therapy instruction consistent with that  
11 document or affirmation is guilty of a misdemeanor and is  
12 punishable by a fine of not more than two thousand five hundred  
13 dollars (\$2,500) per violation, or imprisonment in a county jail for  
14 not more than one year, or by both that fine and imprisonment.

15 628.5. For any person that is criminally prosecuted for a  
16 violation of law in connection with massage therapy, including  
17 for crimes relating to prostitution, a *the arresting* law enforcement  
18 agency shall provide to the ~~Message Therapy Organization~~  
19 *California Massage Therapy Council*, created pursuant to Section  
20 4600.5 of the Business and Professions Code, information, *if*  
21 *known*, concerning the massage therapy instruction received by  
22 the person prosecuted, including the name of the school attended,  
23 if any.

1 SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution for certain  
3 costs that may be incurred by a local agency or school district  
4 because, in that regard, this act creates a new crime or infraction,  
5 eliminates a crime or infraction, or changes the penalty for a crime  
6 or infraction, within the meaning of Section 17556 of the  
7 Government Code, or changes the definition of a crime within the  
8 meaning of Section 6 of Article XIII B of the California  
9 Constitution.

10 However, if the Commission on State Mandates determines that  
11 this act contains other costs mandated by the state, reimbursement  
12 to local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

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