

Senate Bill No. 285

Passed the Senate May 31, 2011

Secretary of the Senate

Passed the Assembly July 14, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, Correa. Massage therapy instruction: fraud: criminal prosecutions.

(1) Existing law provides for the certification of massage practitioners and massage therapists by 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 authorize the arresting law enforcement agency, for any person, who is criminally prosecuted for a violation of law in connection with massage therapy, to provide to the California Massage Therapy Council information concerning the massage therapy instruction received by the person prosecuted.

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

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

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

CHAPTER 1.3. MASSAGE THERAPY

628. 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 punishable by a fine of not more than two thousand five hundred dollars (\$2,500) per violation, or imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

628.5. For any person that is criminally prosecuted for a violation of law in connection with massage therapy, including for crimes relating to prostitution, the arresting law enforcement agency may provide to the California Massage Therapy Council, created pursuant to Section 4600.5 of the Business and Professions Code, information concerning the massage therapy instruction received by the person prosecuted, including the name of the school attended, if any.

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

Approved _____, 2011

Governor