

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN SENATE APRIL 25, 2012

SENATE BILL

No. 1264

Introduced by Senator Vargas

February 23, 2012

An act to amend Sections 11165.7 and 11166.5 of the Penal Code, and to amend Section 355 of the Welfare and Institutions Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1264, as amended, Vargas. Child abuse reporting: mandated reporters.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both.

This bill would include in the list of individuals who are mandated reporters any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching at a public or private postsecondary institution..

By imposing the mandated reporting requirement on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1434, AB 1435, AB 1713, and AB

1817, to be operative only if AB 1434, AB 1435, AB 1713, or AB 1817 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

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.

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. Section 11165.7 of the Penal Code is amended
2 to read:
3 11165.7. (a) As used in this article, “mandated reporter” is
4 defined as any of the following:
5 (1) A teacher.
6 (2) An instructional aide.
7 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
8 public or private school.
9 (4) A classified employee of ~~any a~~ public school.
10 (5) An administrative officer or supervisor of child welfare and
11 attendance, or a certificated pupil personnel employee of ~~any a~~
12 public or private school.
13 (6) Any athletic coach, including, but not limited to, an assistant
14 coach or a graduate assistant involved in coaching, at public or
15 private postsecondary institutions.
16 (7) An administrator of a public or private day camp.
17 (8) An administrator or employee of a public or private youth
18 center, youth recreation program, or youth organization.
19 (9) An administrator or employee of a public or private
20 organization whose duties require direct contact and supervision
21 of children.
22 (10) ~~Any~~ An employee of a county office of education or the
23 State Department of Education, whose duties bring the employee
24 into contact with children on a regular basis.
25 (11) A licensee, an administrator, or an employee of a licensed
26 community care or child day care facility.
27 (12) A Head Start program teacher.

- 1 (13) A licensing worker or licensing evaluator employed by a
2 licensing agency, as defined in Section 11165.11.
- 3 (14) A public assistance worker.
- 4 (15) An employee of a child care institution, including, but not
5 limited to, foster parents, group home personnel, and personnel of
6 residential care facilities.
- 7 (16) A social worker, probation officer, or parole officer.
- 8 (17) An employee of a school district police or security
9 department.
- 10 (18) ~~Any~~ A person who is an administrator or presenter of, or
11 a counselor in, a child abuse prevention program in ~~any~~ a public
12 or private school.
- 13 (19) A district attorney investigator, inspector, or local child
14 support agency caseworker, unless the investigator, inspector, or
15 caseworker is working with an attorney appointed pursuant to
16 Section 317 of the Welfare and Institutions Code to represent a
17 minor.
- 18 (20) A peace officer, as defined in Chapter 4.5 (commencing
19 with Section 830) of Title 3 of Part 2, who is not otherwise
20 described in this section.
- 21 (21) A firefighter, except for volunteer firefighters.
- 22 (22) A physician and surgeon, psychiatrist, psychologist, dentist,
23 resident, intern, podiatrist, chiropractor, licensed nurse, dental
24 hygienist, optometrist, marriage and family therapist, clinical social
25 worker, professional clinical counselor, or any other person who
26 is currently licensed under Division 2 (commencing with Section
27 500) of the Business and Professions Code.
- 28 (23) ~~Any~~ An emergency medical technician I or II, paramedic,
29 or other person certified pursuant to Division 2.5 (commencing
30 with Section 1797) of the Health and Safety Code.
- 31 (24) A psychological assistant registered pursuant to Section
32 2913 of the Business and Professions Code.
- 33 (25) A marriage and family therapist trainee, as defined in
34 subdivision (c) of Section 4980.03 of the Business and Professions
35 Code.
- 36 (26) An unlicensed marriage and family therapist intern
37 registered under Section 4980.44 of the Business and Professions
38 Code.
- 39 (27) A state or county public health employee who treats a minor
40 for venereal disease or any other condition.

1 (28) A coroner.

2 (29) A medical examiner; or any ~~other~~ person who performs
3 autopsies.

4 (30) A commercial film and photographic print processor; as
5 specified in subdivision (e) of Section 11166. As used in this
6 article, “commercial film and photographic print processor” means
7 ~~any~~ a person who develops exposed photographic film into
8 negatives, slides, or prints, or who makes prints from negatives or
9 slides, for compensation. The term includes any employee of ~~such~~
10 a *that* person; it does not include a person who develops film or
11 makes prints for a public agency.

12 (31) A child visitation monitor. As used in this article, “child
13 visitation monitor” means ~~any~~ a person who, for financial
14 compensation, acts as a monitor of a visit between a child and ~~any~~
15 ~~other~~ another person when the monitoring of that visit has been
16 ordered by a court of law.

17 (32) An animal control officer or humane society officer. For
18 the purposes of this article, the following terms have the following
19 meanings:

20 (A) “Animal control officer” means ~~any~~ a person employed by
21 a city, county, or city and county for the purpose of enforcing
22 animal control laws or regulations.

23 (B) “Humane society officer” means ~~any~~ a person appointed or
24 employed by a public or private entity as a humane officer who is
25 qualified pursuant to Section 14502 or 14503 of the Corporations
26 Code.

27 (33) A clergy member, as specified in subdivision (d) of Section
28 11166. As used in this article, “clergy member” means a priest,
29 minister, rabbi, religious practitioner, or similar functionary of a
30 church, temple, or recognized denomination or organization.

31 (34) Any custodian of records of a clergy member, as specified
32 in this section and subdivision (d) of Section 11166.

33 (35) ~~Any~~ An employee of any police department, county sheriff’s
34 department, county probation department, or county welfare
35 department.

36 (36) An employee or volunteer of a Court Appointed Special
37 Advocate program, as defined in Rule 5.655 of the California Rules
38 of Court.

39 (37) A custodial officer, as defined in Section 831.5.

1 (38) ~~Any~~A person providing services to a minor child under
2 Section 12300 or 12300.1 of the Welfare and Institutions Code.

3 (39) An alcohol and drug counselor. As used in this article, an
4 “alcohol and drug counselor” is a person providing counseling,
5 therapy, or other clinical services for a state licensed or certified
6 drug, alcohol, or drug and alcohol treatment program. However,
7 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
8 and of itself, a sufficient basis for reporting child abuse or neglect.

9 (40) A clinical counselor trainee, as defined in subdivision (g)
10 of Section 4999.12 of the Business and Professions Code.

11 (41) A clinical counselor intern registered under Section 4999.42
12 of the Business and Professions Code.

13 (b) Except as provided in paragraph (36) of subdivision (a),
14 volunteers of public or private organizations whose duties require
15 direct contact with and supervision of children are not mandated
16 reporters but are encouraged to obtain training in the identification
17 and reporting of child abuse and neglect and are further encouraged
18 to report known or suspected instances of child abuse or neglect
19 to an agency specified in Section 11165.9.

20 (c) Employers are strongly encouraged to provide their
21 employees who are mandated reporters with training in the duties
22 imposed by this article. This training shall include training in child
23 abuse and neglect identification and training in child abuse and
24 neglect reporting. Whether or not employers provide their
25 employees with training in child abuse and neglect identification
26 and reporting, the employers shall provide their employees who
27 are mandated reporters with the statement required pursuant to
28 subdivision (a) of Section 11166.5.

29 (d) School districts that do not train their employees specified
30 in subdivision (a) in the duties of mandated reporters under the
31 child abuse reporting laws shall report to the State Department of
32 Education the reasons why this training is not provided.

33 (e) Unless otherwise specifically provided, the absence of
34 training shall not excuse a mandated reporter from the duties
35 imposed by this article.

36 (f) Public and private organizations are encouraged to provide
37 their volunteers whose duties require direct contact with and
38 supervision of children with training in the identification and
39 reporting of child abuse and neglect.

1 *SEC. 1.1. Section 11165.7 of the Penal Code is amended to*
 2 *read:*
 3 11165.7. (a) As used in this article, “mandated reporter” is
 4 defined as any of the following:
 5 (1) A teacher.
 6 (2) An instructional aide.
 7 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
 8 public or private school.
 9 (4) A classified employee of ~~any a~~ public school.
 10 (5) An administrative officer or supervisor of child welfare and
 11 attendance, or a certificated pupil personnel employee of ~~any a~~
 12 public or private school.
 13 (6) An administrator of a public or private day camp.
 14 (7) An administrator or employee of a public or private youth
 15 center, youth recreation program, or youth organization.
 16 (8) An administrator or employee of a public or private
 17 organization whose duties require direct contact and supervision
 18 of children.
 19 (9) ~~Any~~ An employee of a county office of education or the
 20 State Department of Education; whose duties bring the employee
 21 into contact with children on a regular basis.
 22 (10) A licensee, an administrator, or an employee of a licensed
 23 community care or child day care facility.
 24 (11) A Head Start program teacher.
 25 (12) A licensing worker or licensing evaluator employed by a
 26 licensing agency, as defined in Section 11165.11.
 27 (13) A public assistance worker.
 28 (14) An employee of a child care institution, including, but not
 29 limited to, foster parents, group home personnel, and personnel of
 30 residential care facilities.
 31 (15) A social worker, probation officer, or parole officer.
 32 (16) An employee of a school district police or security
 33 department.
 34 (17) ~~Any~~ A person who is an administrator or presenter of, or
 35 a counselor in, a child abuse prevention program in ~~any a~~ public
 36 or private school.
 37 (18) A district attorney investigator, inspector, or local child
 38 support agency caseworker, unless the investigator, inspector, or
 39 caseworker is working with an attorney appointed pursuant to

1 Section 317 of the Welfare and Institutions Code to represent a
2 minor.

3 (19) A peace officer, as defined in Chapter 4.5 (commencing
4 with Section 830) of Title 3 of Part 2, who is not otherwise
5 described in this section.

6 (20) A firefighter, except for volunteer firefighters.

7 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
8 resident, intern, podiatrist, chiropractor, licensed nurse, dental
9 hygienist, optometrist, marriage and family therapist, clinical social
10 worker, professional clinical counselor, or any other person who
11 is currently licensed under Division 2 (commencing with Section
12 500) of the Business and Professions Code.

13 (22) ~~Any~~An emergency medical technician I or II, paramedic,
14 or other person certified pursuant to Division 2.5 (commencing
15 with Section 1797) of the Health and Safety Code.

16 (23) A psychological assistant registered pursuant to Section
17 2913 of the Business and Professions Code.

18 (24) A marriage and family therapist trainee, as defined in
19 subdivision (c) of Section 4980.03 of the Business and Professions
20 Code.

21 (25) An unlicensed marriage and family therapist intern
22 registered under Section 4980.44 of the Business and Professions
23 Code.

24 (26) A state or county public health employee who treats a minor
25 for venereal disease or any other condition.

26 (27) A coroner.

27 (28) A medical examiner; or ~~any~~ other person who performs
28 autopsies.

29 (29) A commercial film and photographic print processor; as
30 specified in subdivision (e) of Section 11166. As used in this
31 article, “commercial film and photographic print processor” means
32 ~~any~~ a person who develops exposed photographic film into
33 negatives, slides, or prints, or who makes prints from negatives or
34 slides, for compensation. The term includes any employee of ~~such~~
35 a *that* person; it does not include a person who develops film or
36 makes prints for a public agency.

37 (30) A child visitation monitor. As used in this article, “child
38 visitation monitor” means ~~any~~ a person who, for financial
39 compensation, acts as a monitor of a visit between a child and ~~any~~

1 ~~other~~ *another* person when the monitoring of that visit has been
2 ordered by a court of law.

3 (31) An animal control officer or humane society officer. For
4 the purposes of this article, the following terms have the following
5 meanings:

6 (A) “Animal control officer” means ~~any~~ a person employed by
7 a city, county, or city and county for the purpose of enforcing
8 animal control laws or regulations.

9 (B) “Humane society officer” means ~~any~~ a person appointed or
10 employed by a public or private entity as a humane officer who is
11 qualified pursuant to Section 14502 or 14503 of the Corporations
12 Code.

13 (32) A clergy member, as specified in subdivision (d) of Section
14 11166. As used in this article, “clergy member” means a priest,
15 minister, rabbi, religious practitioner, or similar functionary of a
16 church, temple, or recognized denomination or organization.

17 (33) Any custodian of records of a clergy member, as specified
18 in this section and subdivision (d) of Section 11166.

19 (34) ~~Any~~ An employee of any police department, county sheriff’s
20 department, county probation department, or county welfare
21 department.

22 (35) An employee or volunteer of a Court Appointed Special
23 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
24 Rules of Court.

25 (36) A custodial officer, as defined in Section 831.5.

26 (37) ~~Any~~ A person providing services to a minor child under
27 Section 12300 or 12300.1 of the Welfare and Institutions Code.

28 (38) An alcohol and drug counselor. As used in this article, an
29 “alcohol and drug counselor” is a person providing counseling,
30 therapy, or other clinical services for a state licensed or certified
31 drug, alcohol, or drug and alcohol treatment program. However,
32 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
33 and of itself, a sufficient basis for reporting child abuse or neglect.

34 (39) A clinical counselor trainee, as defined in subdivision (g)
35 of Section 4999.12 of the Business and Professions Code.

36 (40) A clinical counselor intern registered under Section 4999.42
37 of the Business and Professions Code.

38 (41) *An employee or administrator of a public or private*
39 *postsecondary institution, whose duties bring the administrator*
40 *or employee into contact with children on a regular basis, or who*

1 *supervises those whose duties bring the administrator or employee*
2 *into contact with children on a regular basis, as to child abuse or*
3 *neglect occurring on that institution's premises or at an official*
4 *activity of, or program conducted by, the institution. Nothing in*
5 *this paragraph shall be construed as altering the lawyer-client*
6 *privilege as set forth in Article 3 (commencing with Section 950)*
7 *of Chapter 4 of Division 8 of the Evidence Code.*

8 *(42) Any athletic coach, including, but not limited to, an*
9 *assistant coach or a graduate assistant involved in coaching, at*
10 *public or private postsecondary institutions.*

11 (b) Except as provided in paragraph (35) of subdivision (a),
12 volunteers of public or private organizations whose duties require
13 direct contact with and supervision of children are not mandated
14 reporters but are encouraged to obtain training in the identification
15 and reporting of child abuse and neglect and are further encouraged
16 to report known or suspected instances of child abuse or neglect
17 to an agency specified in Section 11165.9.

18 (c) Employers are strongly encouraged to provide their
19 employees who are mandated reporters with training in the duties
20 imposed by this article. This training shall include training in child
21 abuse and neglect identification and training in child abuse and
22 neglect reporting. Whether or not employers provide their
23 employees with training in child abuse and neglect identification
24 and reporting, the employers shall provide their employees who
25 are mandated reporters with the statement required pursuant to
26 subdivision (a) of Section 11166.5.

27 (d) School districts that do not train their employees specified
28 in subdivision (a) in the duties of mandated reporters under the
29 child abuse reporting laws shall report to the State Department of
30 Education the reasons why this training is not provided.

31 (e) Unless otherwise specifically provided, the absence of
32 training shall not excuse a mandated reporter from the duties
33 imposed by this article.

34 (f) Public and private organizations are encouraged to provide
35 their volunteers whose duties require direct contact with and
36 supervision of children with training in the identification and
37 reporting of child abuse and neglect.

38 *SEC. 1.2. Section 11165.7 of the Penal Code is amended to*
39 *read:*

- 1 11165.7. (a) As used in this article, “mandated reporter” is
2 defined as any of the following:
- 3 (1) A teacher.
 - 4 (2) An instructional aide.
 - 5 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
6 public or private school.
 - 7 (4) A classified employee of ~~any a~~ public school.
 - 8 (5) An administrative officer or supervisor of child welfare and
9 attendance, or a certificated pupil personnel employee of ~~any a~~
10 public or private school.
 - 11 (6) An administrator of a public or private day camp.
 - 12 (7) An administrator or employee of a public or private youth
13 center, youth recreation program, or youth organization.
 - 14 (8) An administrator or employee of a public or private
15 organization whose duties require direct contact and supervision
16 of children.
 - 17 (9) ~~Any~~ An employee of a county office of education or the
18 State Department of Education, whose duties bring the employee
19 into contact with children on a regular basis.
 - 20 (10) A licensee, an administrator, or an employee of a licensed
21 community care or child day care facility.
 - 22 (11) A Head Start program teacher.
 - 23 (12) A licensing worker or licensing evaluator employed by a
24 licensing agency, as defined in Section 11165.11.
 - 25 (13) A public assistance worker.
 - 26 (14) An employee of a child care institution, including, but not
27 limited to, foster parents, group home personnel, and personnel of
28 residential care facilities.
 - 29 (15) A social worker, probation officer, or parole officer.
 - 30 (16) An employee of a school district police or security
31 department.
 - 32 (17) ~~Any~~ A person who is an administrator or presenter of, or
33 a counselor in, a child abuse prevention program in ~~any a~~ public
34 or private school.
 - 35 (18) A district attorney investigator, inspector, or local child
36 support agency caseworker, unless the investigator, inspector, or
37 caseworker is working with an attorney appointed pursuant to
38 Section 317 of the Welfare and Institutions Code to represent a
39 minor.

1 (19) A peace officer, as defined in Chapter 4.5 (commencing
2 with Section 830) of Title 3 of Part 2, who is not otherwise
3 described in this section.

4 (20) A firefighter, except for volunteer firefighters.

5 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
6 resident, intern, podiatrist, chiropractor, licensed nurse, dental
7 hygienist, optometrist, marriage and family therapist, clinical social
8 worker, professional clinical counselor, or any other person who
9 is currently licensed under Division 2 (commencing with Section
10 500) of the Business and Professions Code.

11 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
12 or other person certified pursuant to Division 2.5 (commencing
13 with Section 1797) of the Health and Safety Code.

14 (23) A psychological assistant registered pursuant to Section
15 2913 of the Business and Professions Code.

16 (24) A marriage and family therapist trainee, as defined in
17 subdivision (c) of Section 4980.03 of the Business and Professions
18 Code.

19 (25) An unlicensed marriage and family therapist intern
20 registered under Section 4980.44 of the Business and Professions
21 Code.

22 (26) A state or county public health employee who treats a minor
23 for venereal disease or any other condition.

24 (27) A coroner.

25 (28) A medical examiner; or ~~any~~ other person who performs
26 autopsies.

27 (29) A commercial film and photographic print ~~processor, or~~
28 *image processor* as specified in subdivision (e) of Section 11166.
29 As used in this article, “commercial film and photographic print
30 *or image processor*” means ~~any~~ a person who develops exposed
31 photographic film into negatives, slides, or prints, or who makes
32 prints from negatives or slides, *or who prepares, publishes,*
33 *produces, develops, duplicates, or prints any representation of*
34 *information, data, or an image, including, but not limited to, any*
35 *film, filmstrip, photograph, negative, slide, photocopy, videotape,*
36 *video laser disk, computer hardware, computer software, computer*
37 *floppy disk, data storage medium, CD-ROM, computer-generated*
38 *equipment, or computer-generated image, for compensation. The*
39 term includes any employee of ~~such a~~ *that* person; it does not

1 include a person who develops film or makes prints *or images* for
2 a public agency.

3 (30) A child visitation monitor. As used in this article, “child
4 visitation monitor” means ~~any~~ a person who, for financial
5 compensation, acts as a monitor of a visit between a child and ~~any~~
6 ~~other~~ another person when the monitoring of that visit has been
7 ordered by a court of law.

8 (31) An animal control officer or humane society officer. For
9 the purposes of this article, the following terms have the following
10 meanings:

11 (A) “Animal control officer” means ~~any~~ a person employed by
12 a city, county, or city and county for the purpose of enforcing
13 animal control laws or regulations.

14 (B) “Humane society officer” means ~~any~~ a person appointed or
15 employed by a public or private entity as a humane officer who is
16 qualified pursuant to Section 14502 or 14503 of the Corporations
17 Code.

18 (32) A clergy member, as specified in subdivision (d) of Section
19 11166. As used in this article, “clergy member” means a priest,
20 minister, rabbi, religious practitioner, or similar functionary of a
21 church, temple, or recognized denomination or organization.

22 (33) Any custodian of records of a clergy member, as specified
23 in this section and subdivision (d) of Section 11166.

24 (34) ~~Any~~ An employee of any police department, county sheriff’s
25 department, county probation department, or county welfare
26 department.

27 (35) An employee or volunteer of a Court Appointed Special
28 Advocate program, as defined in Rule ~~424~~ 5.566 of the California
29 Rules of Court.

30 (36) A custodial officer, as defined in Section 831.5.

31 (37) ~~Any~~ A person providing services to a minor child under
32 Section 12300 or 12300.1 of the Welfare and Institutions Code.

33 (38) An alcohol and drug counselor. As used in this article, an
34 “alcohol and drug counselor” is a person providing counseling,
35 therapy, or other clinical services for a state licensed or certified
36 drug, alcohol, or drug and alcohol treatment program. However,
37 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
38 and of itself, a sufficient basis for reporting child abuse or neglect.

39 (39) A clinical counselor trainee, as defined in subdivision (g)
40 of Section 4999.12 of the Business and Professions Code.

1 (40) A clinical counselor intern registered under Section 4999.42
2 of the Business and Professions Code.

3 (41) *Any athletic coach, including, but not limited to, an*
4 *assistant coach or a graduate assistant involved in coaching, at*
5 *public or private postsecondary institutions.*

6 (b) Except as provided in paragraph (35) of subdivision (a),
7 volunteers of public or private organizations whose duties require
8 direct contact with and supervision of children are not mandated
9 reporters but are encouraged to obtain training in the identification
10 and reporting of child abuse and neglect and are further encouraged
11 to report known or suspected instances of child abuse or neglect
12 to an agency specified in Section 11165.9.

13 (c) Employers are strongly encouraged to provide their
14 employees who are mandated reporters with training in the duties
15 imposed by this article. This training shall include training in child
16 abuse and neglect identification and training in child abuse and
17 neglect reporting. Whether or not employers provide their
18 employees with training in child abuse and neglect identification
19 and reporting, the employers shall provide their employees who
20 are mandated reporters with the statement required pursuant to
21 subdivision (a) of Section 11166.5.

22 (d) School districts that do not train their employees specified
23 in subdivision (a) in the duties of mandated reporters under the
24 child abuse reporting laws shall report to the State Department of
25 Education the reasons why this training is not provided.

26 (e) Unless otherwise specifically provided, the absence of
27 training shall not excuse a mandated reporter from the duties
28 imposed by this article.

29 (f) Public and private organizations are encouraged to provide
30 their volunteers whose duties require direct contact with and
31 supervision of children with training in the identification and
32 reporting of child abuse and neglect.

33 *SEC. 1.3. Section 11165.7 of the Penal Code is amended to*
34 *read:*

35 11165.7. (a) As used in this article, “mandated reporter” is
36 defined as any of the following:

37 (1) A teacher.

38 (2) An instructional aide.

39 (3) A teacher’s aide or teacher’s assistant employed by ~~any~~ a
40 public or private school.

- 1 (4) A classified employee of ~~any~~ a public school.
- 2 (5) An administrative officer or supervisor of child welfare and
- 3 attendance, or a certificated pupil personnel employee of ~~any~~ a
- 4 public or private school.
- 5 (6) An administrator of a public or private day camp.
- 6 (7) An administrator or employee of a public or private youth
- 7 center, youth recreation program, or youth organization.
- 8 (8) An administrator or employee of a public or private
- 9 organization whose duties require direct contact and supervision
- 10 of children.
- 11 (9) ~~Any~~ An employee of a county office of education or the
- 12 State Department of Education, whose duties bring the employee
- 13 into contact with children on a regular basis.
- 14 (10) A licensee, an administrator, or an employee of a licensed
- 15 community care or child day care facility.
- 16 (11) A Head Start program teacher.
- 17 (12) A licensing worker or licensing evaluator employed by a
- 18 licensing agency, as defined in Section 11165.11.
- 19 (13) A public assistance worker.
- 20 (14) An employee of a child care institution, including, but not
- 21 limited to, foster parents, group home personnel, and personnel of
- 22 residential care facilities.
- 23 (15) A social worker, probation officer, or parole officer.
- 24 (16) An employee of a school district police or security
- 25 department.
- 26 (17) ~~Any~~ A person who is an administrator or presenter of, or
- 27 a counselor in, a child abuse prevention program in ~~any~~ a public
- 28 or private school.
- 29 (18) A district attorney investigator, inspector, or local child
- 30 support agency caseworker, unless the investigator, inspector, or
- 31 caseworker is working with an attorney appointed pursuant to
- 32 Section 317 of the Welfare and Institutions Code to represent a
- 33 minor.
- 34 (19) A peace officer, as defined in Chapter 4.5 (commencing
- 35 with Section 830) of Title 3 of Part 2, who is not otherwise
- 36 described in this section.
- 37 (20) A firefighter, except for volunteer firefighters.
- 38 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
- 39 resident, intern, podiatrist, chiropractor, licensed nurse, dental
- 40 hygienist, optometrist, marriage and family therapist, clinical social

1 worker, professional clinical counselor, or any other person who
2 is currently licensed under Division 2 (commencing with Section
3 500) of the Business and Professions Code.

4 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
5 or other person certified pursuant to Division 2.5 (commencing
6 with Section 1797) of the Health and Safety Code.

7 (23) A psychological assistant registered pursuant to Section
8 2913 of the Business and Professions Code.

9 (24) A marriage and family therapist trainee, as defined in
10 subdivision (c) of Section 4980.03 of the Business and Professions
11 Code.

12 (25) An unlicensed marriage and family therapist intern
13 registered under Section 4980.44 of the Business and Professions
14 Code.

15 (26) A state or county public health employee who treats a minor
16 for venereal disease or any other condition.

17 (27) A coroner.

18 (28) A medical examiner; or ~~any~~ other person who performs
19 autopsies.

20 (29) A commercial film and photographic print processor; as
21 specified in subdivision (e) of Section 11166. As used in this
22 article, “commercial film and photographic print processor” means
23 ~~any~~ a person who develops exposed photographic film into
24 negatives, slides, or prints, or who makes prints from negatives or
25 slides, for compensation. The term includes any employee of ~~such~~
26 a *that* person; it does not include a person who develops film or
27 makes prints for a public agency.

28 (30) A child visitation monitor. As used in this article, “child
29 visitation monitor” means ~~any~~ a person who, for financial
30 compensation, acts as a monitor of a visit between a child and ~~any~~
31 ~~other~~ *another* person when the monitoring of that visit has been
32 ordered by a court of law.

33 (31) An animal control officer or humane society officer. For
34 the purposes of this article, the following terms have the following
35 meanings:

36 (A) “Animal control officer” means ~~any~~ a person employed by
37 a city, county, or city and county for the purpose of enforcing
38 animal control laws or regulations.

39 (B) “Humane society officer” means ~~any~~ a person appointed or
40 employed by a public or private entity as a humane officer who is

1 qualified pursuant to Section 14502 or 14503 of the Corporations
2 Code.

3 (32) A clergy member, as specified in subdivision (d) of Section
4 11166. As used in this article, “clergy member” means a priest,
5 minister, rabbi, religious practitioner, or similar functionary of a
6 church, temple, or recognized denomination or organization.

7 (33) Any custodian of records of a clergy member, as specified
8 in this section and subdivision (d) of Section 11166.

9 (34) ~~Any~~An employee of any police department, county sheriff’s
10 department, county probation department, or county welfare
11 department.

12 (35) An employee or volunteer of a Court Appointed Special
13 Advocate program, as defined in Rule ~~424~~ 5.566 of the California
14 Rules of Court.

15 (36) A custodial officer, as defined in Section 831.5.

16 (37) ~~Any~~A person providing services to a minor child under
17 Section 12300 or 12300.1 of the Welfare and Institutions Code.

18 (38) An alcohol and drug counselor. As used in this article, an
19 “alcohol and drug counselor” is a person providing counseling,
20 therapy, or other clinical services for a state licensed or certified
21 drug, alcohol, or drug and alcohol treatment program. However,
22 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
23 and of itself, a sufficient basis for reporting child abuse or neglect.

24 (39) A clinical counselor trainee, as defined in subdivision (g)
25 of Section 4999.12 of the Business and Professions Code.

26 (40) A clinical counselor intern registered under Section 4999.42
27 of the Business and Professions Code.

28 (41) (A) *A commercial computer technician as specified in*
29 *subdivision (e) of Section 11166. As used in this article,*
30 *“commercial computer technician” means a person who works*
31 *for a company that is in the business of repairing, installing, or*
32 *otherwise servicing a computer or computer component, including,*
33 *but not limited to, a computer part, device, memory storage or*
34 *recording mechanism, auxiliary storage recording or memory*
35 *capacity, or any other material relating to the operation and*
36 *maintenance of a computer or computer network system, for a fee.*
37 *An employer who provides an electronic communications service*
38 *or a remote computing service to the public shall be deemed to*
39 *comply with this article if that employer complies with Section*
40 *2258A of Title 18 of the United States Code.*

1 (B) An employer of a commercial computer technician may
2 implement internal procedures for facilitating reporting consistent
3 with this article. These procedures may direct employees who are
4 mandated reporters under this paragraph to report materials
5 described in subdivision (e) of Section 11166 to an employee who
6 is designated by the employer to receive the reports. An employee
7 who is designated to receive reports under this subparagraph shall
8 be a commercial computer technician for purposes of this article.
9 A commercial computer technician who makes a report to the
10 designated employee pursuant to this subparagraph shall be
11 deemed to have complied with the requirements of this article and
12 shall be subject to the protections afforded to mandated reporters,
13 including, but not limited to, those protections afforded by Section
14 11172.

15 (42) Any athletic coach, including, but not limited to, an
16 assistant coach or a graduate assistant involved in coaching, at
17 public or private postsecondary institutions.

18 (b) Except as provided in paragraph (35) of subdivision (a),
19 volunteers of public or private organizations whose duties require
20 direct contact with and supervision of children are not mandated
21 reporters but are encouraged to obtain training in the identification
22 and reporting of child abuse and neglect and are further encouraged
23 to report known or suspected instances of child abuse or neglect
24 to an agency specified in Section 11165.9.

25 (c) Employers are strongly encouraged to provide their
26 employees who are mandated reporters with training in the duties
27 imposed by this article. This training shall include training in child
28 abuse and neglect identification and training in child abuse and
29 neglect reporting. Whether or not employers provide their
30 employees with training in child abuse and neglect identification
31 and reporting, the employers shall provide their employees who
32 are mandated reporters with the statement required pursuant to
33 subdivision (a) of Section 11166.5.

34 (d) School districts that do not train their employees specified
35 in subdivision (a) in the duties of mandated reporters under the
36 child abuse reporting laws shall report to the State Department of
37 Education the reasons why this training is not provided.

38 (e) Unless otherwise specifically provided, the absence of
39 training shall not excuse a mandated reporter from the duties
40 imposed by this article.

1 (f) Public and private organizations are encouraged to provide
2 their volunteers whose duties require direct contact with and
3 supervision of children with training in the identification and
4 reporting of child abuse and neglect.

5 *SEC. 1.4. Section 11165.7 of the Penal Code is amended to*
6 *read:*

7 11165.7. (a) As used in this article, “mandated reporter” is
8 defined as any of the following:

- 9 (1) A teacher.
- 10 (2) An instructional aide.
- 11 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
12 public or private school.
- 13 (4) A classified employee of ~~any a~~ public school.
- 14 (5) An administrative officer or supervisor of child welfare and
15 attendance, or a certificated pupil personnel employee of ~~any a~~
16 public or private school.
- 17 (6) An administrator of a public or private day camp.
- 18 (7) An administrator or employee of a public or private youth
19 center, youth recreation program, or youth organization.
- 20 (8) An administrator or employee of a public or private
21 organization whose duties require direct contact and supervision
22 of children.
- 23 (9) ~~Any~~ An employee of a county office of education or the
24 State Department of Education, whose duties bring the employee
25 into contact with children on a regular basis.
- 26 (10) A licensee, an administrator, or an employee of a licensed
27 community care or child day care facility.
- 28 (11) A Head Start program teacher.
- 29 (12) A licensing worker or licensing evaluator employed by a
30 licensing agency, as defined in Section 11165.11.
- 31 (13) A public assistance worker.
- 32 (14) An employee of a child care institution, including, but not
33 limited to, foster parents, group home personnel, and personnel of
34 residential care facilities.
- 35 (15) A social worker, probation officer, or parole officer.
- 36 (16) An employee of a school district police or security
37 department.
- 38 (17) ~~Any~~ A person who is an administrator or presenter of, or
39 a counselor in, a child abuse prevention program in ~~any a~~ public
40 or private school.

1 (18) A district attorney investigator, inspector, or local child
2 support agency caseworker, unless the investigator, inspector, or
3 caseworker is working with an attorney appointed pursuant to
4 Section 317 of the Welfare and Institutions Code to represent a
5 minor.

6 (19) A peace officer, as defined in Chapter 4.5 (commencing
7 with Section 830) of Title 3 of Part 2, who is not otherwise
8 described in this section.

9 (20) A firefighter, except for volunteer firefighters.

10 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
11 resident, intern, podiatrist, chiropractor, licensed nurse, dental
12 hygienist, optometrist, marriage and family therapist, clinical social
13 worker, professional clinical counselor, or any other person who
14 is currently licensed under Division 2 (commencing with Section
15 500) of the Business and Professions Code.

16 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
17 or other person certified pursuant to Division 2.5 (commencing
18 with Section 1797) of the Health and Safety Code.

19 (23) A psychological assistant registered pursuant to Section
20 2913 of the Business and Professions Code.

21 (24) A marriage and family therapist trainee, as defined in
22 subdivision (c) of Section 4980.03 of the Business and Professions
23 Code.

24 (25) An unlicensed marriage and family therapist intern
25 registered under Section 4980.44 of the Business and Professions
26 Code.

27 (26) A state or county public health employee who treats a minor
28 for venereal disease or any other condition.

29 (27) A coroner.

30 (28) A medical examiner; or ~~any~~ other person who performs
31 autopsies.

32 (29) A commercial film and photographic print processor; as
33 specified in subdivision (e) of Section 11166. As used in this
34 article, “commercial film and photographic print processor” means
35 ~~any~~ a person who develops exposed photographic film into
36 negatives, slides, or prints, or who makes prints from negatives or
37 slides, for compensation. The term includes any employee of ~~such~~
38 a *that* person; it does not include a person who develops film or
39 makes prints for a public agency.

1 (30) A child visitation monitor. As used in this article, “child
2 visitation monitor” means ~~any~~ a person who, for financial
3 compensation, acts as a monitor of a visit between a child and ~~any~~
4 ~~other~~ another person when the monitoring of that visit has been
5 ordered by a court of law.

6 (31) An animal control officer or humane society officer. For
7 the purposes of this article, the following terms have the following
8 meanings:

9 (A) “Animal control officer” means ~~any~~ a person employed by
10 a city, county, or city and county for the purpose of enforcing
11 animal control laws or regulations.

12 (B) “Humane society officer” means ~~any~~ a person appointed or
13 employed by a public or private entity as a humane officer who is
14 qualified pursuant to Section 14502 or 14503 of the Corporations
15 Code.

16 (32) A clergy member, as specified in subdivision (d) of Section
17 11166. As used in this article, “clergy member” means a priest,
18 minister, rabbi, religious practitioner, or similar functionary of a
19 church, temple, or recognized denomination or organization.

20 (33) Any custodian of records of a clergy member, as specified
21 in this section and subdivision (d) of Section 11166.

22 (34) ~~Any~~ An employee of any police department, county sheriff’s
23 department, county probation department, or county welfare
24 department.

25 (35) An employee or volunteer of a Court Appointed Special
26 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
27 Rules of Court.

28 (36) A custodial officer, as defined in Section 831.5.

29 (37) ~~Any~~ A person providing services to a minor child under
30 Section 12300 or 12300.1 of the Welfare and Institutions Code.

31 (38) An alcohol and drug counselor. As used in this article, an
32 “alcohol and drug counselor” is a person providing counseling,
33 therapy, or other clinical services for a state licensed or certified
34 drug, alcohol, or drug and alcohol treatment program. However,
35 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
36 and of itself, a sufficient basis for reporting child abuse or neglect.

37 (39) A clinical counselor trainee, as defined in subdivision (g)
38 of Section 4999.12 of the Business and Professions Code.

39 (40) A clinical counselor intern registered under Section 4999.42
40 of the Business and Professions Code.

1 (41) An athletic coach, athletic administrator, or athletic
2 director employed by any public or private school that provides
3 any combination of instruction for kindergarten, or grades 1 to
4 12, inclusive.

5 (42) Any athletic coach, including, but not limited to, an
6 assistant coach or a graduate assistant involved in coaching, at
7 public or private postsecondary institutions.

8 (b) Except as provided in paragraph (35) of subdivision (a),
9 volunteers of public or private organizations whose duties require
10 direct contact with and supervision of children are not mandated
11 reporters but are encouraged to obtain training in the identification
12 and reporting of child abuse and neglect and are further encouraged
13 to report known or suspected instances of child abuse or neglect
14 to an agency specified in Section 11165.9.

15 (c) Employers are strongly encouraged to provide their
16 employees who are mandated reporters with training in the duties
17 imposed by this article. This training shall include training in child
18 abuse and neglect identification and training in child abuse and
19 neglect reporting. Whether or not employers provide their
20 employees with training in child abuse and neglect identification
21 and reporting, the employers shall provide their employees who
22 are mandated reporters with the statement required pursuant to
23 subdivision (a) of Section 11166.5.

24 (d) School districts that do not train their employees specified
25 in subdivision (a) in the duties of mandated reporters under the
26 child abuse reporting laws shall report to the State Department of
27 Education the reasons why this training is not provided.

28 (e) Unless otherwise specifically provided, the absence of
29 training shall not excuse a mandated reporter from the duties
30 imposed by this article.

31 (f) Public and private organizations are encouraged to provide
32 their volunteers whose duties require direct contact with and
33 supervision of children with training in the identification and
34 reporting of child abuse and neglect.

35 *SEC. 1.5. Section 11165.7 of the Penal Code is amended to*
36 *read:*

37 11165.7. (a) As used in this article, “mandated reporter” is
38 defined as any of the following:

39 (1) A teacher.

40 (2) An instructional aide.

- 1 (3) A teacher's aide or teacher's assistant employed by ~~any~~ a
2 public or private school.
- 3 (4) A classified employee of ~~any~~ a public school.
- 4 (5) An administrative officer or supervisor of child welfare and
5 attendance, or a certificated pupil personnel employee of ~~any~~ a
6 public or private school.
- 7 (6) An administrator of a public or private day camp.
- 8 (7) An administrator or employee of a public or private youth
9 center, youth recreation program, or youth organization.
- 10 (8) An administrator or employee of a public or private
11 organization whose duties require direct contact and supervision
12 of children.
- 13 (9) ~~Any~~ An employee of a county office of education or the
14 State Department of Education; whose duties bring the employee
15 into contact with children on a regular basis.
- 16 (10) A licensee, an administrator, or an employee of a licensed
17 community care or child day care facility.
- 18 (11) A Head Start program teacher.
- 19 (12) A licensing worker or licensing evaluator employed by a
20 licensing agency, as defined in Section 11165.11.
- 21 (13) A public assistance worker.
- 22 (14) An employee of a child care institution, including, but not
23 limited to, foster parents, group home personnel, and personnel of
24 residential care facilities.
- 25 (15) A social worker, probation officer, or parole officer.
- 26 (16) An employee of a school district police or security
27 department.
- 28 (17) ~~Any~~ A person who is an administrator or presenter of, or
29 a counselor in, a child abuse prevention program in ~~any~~ a public
30 or private school.
- 31 (18) A district attorney investigator, inspector, or local child
32 support agency caseworker, unless the investigator, inspector, or
33 caseworker is working with an attorney appointed pursuant to
34 Section 317 of the Welfare and Institutions Code to represent a
35 minor.
- 36 (19) A peace officer, as defined in Chapter 4.5 (commencing
37 with Section 830) of Title 3 of Part 2, who is not otherwise
38 described in this section.
- 39 (20) A firefighter, except for volunteer firefighters.

1 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
2 resident, intern, podiatrist, chiropractor, licensed nurse, dental
3 hygienist, optometrist, marriage and family therapist, clinical social
4 worker, professional clinical counselor, or any other person who
5 is currently licensed under Division 2 (commencing with Section
6 500) of the Business and Professions Code.

7 (22) ~~Any~~An emergency medical technician I or II, paramedic,
8 or other person certified pursuant to Division 2.5 (commencing
9 with Section 1797) of the Health and Safety Code.

10 (23) A psychological assistant registered pursuant to Section
11 2913 of the Business and Professions Code.

12 (24) A marriage and family therapist trainee, as defined in
13 subdivision (c) of Section 4980.03 of the Business and Professions
14 Code.

15 (25) An unlicensed marriage and family therapist intern
16 registered under Section 4980.44 of the Business and Professions
17 Code.

18 (26) A state or county public health employee who treats a minor
19 for venereal disease or any other condition.

20 (27) A coroner.

21 (28) A medical examiner; or ~~any~~ other person who performs
22 autopsies.

23 (29) A commercial film and photographic print ~~processor~~, or
24 *image processor* as specified in subdivision (e) of Section 11166.
25 As used in this article, “commercial film and photographic print
26 or *image processor*” means ~~any~~ a person who develops exposed
27 photographic film into negatives, slides, or prints, or who makes
28 prints from negatives or slides, or who prepares, publishes,
29 produces, develops, duplicates, or prints any representation of
30 information, data, or an image, including, but not limited to, any
31 film, filmstrip, photograph, negative, slide, photocopy, videotape,
32 video laser disk, computer hardware, computer software, computer
33 floppy disk, data storage medium, CD-ROM, computer-generated
34 equipment, or computer-generated image, for compensation. The
35 term includes any employee of ~~such a~~ that person; it does not
36 include a person who develops film or makes prints or images for
37 a public agency.

38 (30) A child visitation monitor. As used in this article, “child
39 visitation monitor” means ~~any~~ a person who, for financial
40 compensation, acts as a monitor of a visit between a child and ~~any~~

1 ~~other~~ *another* person when the monitoring of that visit has been
2 ordered by a court of law.

3 (31) An animal control officer or humane society officer. For
4 the purposes of this article, the following terms have the following
5 meanings:

6 (A) “Animal control officer” means ~~any~~ *a* person employed by
7 a city, county, or city and county for the purpose of enforcing
8 animal control laws or regulations.

9 (B) “Humane society officer” means ~~any~~ *a* person appointed or
10 employed by a public or private entity as a humane officer who is
11 qualified pursuant to Section 14502 or 14503 of the Corporations
12 Code.

13 (32) A clergy member, as specified in subdivision (d) of Section
14 11166. As used in this article, “clergy member” means a priest,
15 minister, rabbi, religious practitioner, or similar functionary of a
16 church, temple, or recognized denomination or organization.

17 (33) Any custodian of records of a clergy member, as specified
18 in this section and subdivision (d) of Section 11166.

19 (34) ~~Any~~ *An* employee of any police department, county sheriff’s
20 department, county probation department, or county welfare
21 department.

22 (35) An employee or volunteer of a Court Appointed Special
23 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
24 Rules of Court.

25 (36) A custodial officer, as defined in Section 831.5.

26 (37) ~~Any~~ *A* person providing services to a minor child under
27 Section 12300 or 12300.1 of the Welfare and Institutions Code.

28 (38) An alcohol and drug counselor. As used in this article, an
29 “alcohol and drug counselor” is a person providing counseling,
30 therapy, or other clinical services for a state licensed or certified
31 drug, alcohol, or drug and alcohol treatment program. However,
32 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
33 and of itself, a sufficient basis for reporting child abuse or neglect.

34 (39) A clinical counselor trainee, as defined in subdivision (g)
35 of Section 4999.12 of the Business and Professions Code.

36 (40) A clinical counselor intern registered under Section 4999.42
37 of the Business and Professions Code.

38 (41) *An employee or administrator of a public or private*
39 *postsecondary institution, whose duties bring the administrator*
40 *or employee into contact with children on a regular basis, or who*

1 *supervises those whose duties bring the administrator or employee*
2 *into contact with children on a regular basis, as to child abuse or*
3 *neglect occurring on that institution's premises or at an official*
4 *activity of, or program conducted by, the institution. Nothing in*
5 *this paragraph shall be construed as altering the lawyer-client*
6 *privilege as set forth in Article 3 (commencing with Section 950)*
7 *of Chapter 4 of Division 8 of the Evidence Code.*

8 *(42) Any athletic coach, including, but not limited to, an*
9 *assistant coach or a graduate assistant involved in coaching, at*
10 *public or private postsecondary institutions.*

11 (b) Except as provided in paragraph (35) of subdivision (a),
12 volunteers of public or private organizations whose duties require
13 direct contact with and supervision of children are not mandated
14 reporters but are encouraged to obtain training in the identification
15 and reporting of child abuse and neglect and are further encouraged
16 to report known or suspected instances of child abuse or neglect
17 to an agency specified in Section 11165.9.

18 (c) Employers are strongly encouraged to provide their
19 employees who are mandated reporters with training in the duties
20 imposed by this article. This training shall include training in child
21 abuse and neglect identification and training in child abuse and
22 neglect reporting. Whether or not employers provide their
23 employees with training in child abuse and neglect identification
24 and reporting, the employers shall provide their employees who
25 are mandated reporters with the statement required pursuant to
26 subdivision (a) of Section 11166.5.

27 (d) School districts that do not train their employees specified
28 in subdivision (a) in the duties of mandated reporters under the
29 child abuse reporting laws shall report to the State Department of
30 Education the reasons why this training is not provided.

31 (e) Unless otherwise specifically provided, the absence of
32 training shall not excuse a mandated reporter from the duties
33 imposed by this article.

34 (f) Public and private organizations are encouraged to provide
35 their volunteers whose duties require direct contact with and
36 supervision of children with training in the identification and
37 reporting of child abuse and neglect.

38 *SEC. 1.6. Section 11165.7 of the Penal Code is amended to*
39 *read:*

- 1 11165.7. (a) As used in this article, “mandated reporter” is
2 defined as any of the following:
- 3 (1) A teacher.
 - 4 (2) An instructional aide.
 - 5 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
6 public or private school.
 - 7 (4) A classified employee of ~~any a~~ public school.
 - 8 (5) An administrative officer or supervisor of child welfare and
9 attendance, or a certificated pupil personnel employee of ~~any a~~
10 public or private school.
 - 11 (6) An administrator of a public or private day camp.
 - 12 (7) An administrator or employee of a public or private youth
13 center, youth recreation program, or youth organization.
 - 14 (8) An administrator or employee of a public or private
15 organization whose duties require direct contact and supervision
16 of children.
 - 17 (9) ~~Any~~ An employee of a county office of education or the
18 State Department of Education, whose duties bring the employee
19 into contact with children on a regular basis.
 - 20 (10) A licensee, an administrator, or an employee of a licensed
21 community care or child day care facility.
 - 22 (11) A Head Start program teacher.
 - 23 (12) A licensing worker or licensing evaluator employed by a
24 licensing agency, as defined in Section 11165.11.
 - 25 (13) A public assistance worker.
 - 26 (14) An employee of a child care institution, including, but not
27 limited to, foster parents, group home personnel, and personnel of
28 residential care facilities.
 - 29 (15) A social worker, probation officer, or parole officer.
 - 30 (16) An employee of a school district police or security
31 department.
 - 32 (17) ~~Any~~ A person who is an administrator or presenter of, or
33 a counselor in, a child abuse prevention program in ~~any a~~ public
34 or private school.
 - 35 (18) A district attorney investigator, inspector, or local child
36 support agency caseworker, unless the investigator, inspector, or
37 caseworker is working with an attorney appointed pursuant to
38 Section 317 of the Welfare and Institutions Code to represent a
39 minor.

- 1 (19) A peace officer, as defined in Chapter 4.5 (commencing
2 with Section 830) of Title 3 of Part 2, who is not otherwise
3 described in this section.
- 4 (20) A firefighter, except for volunteer firefighters.
- 5 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
6 resident, intern, podiatrist, chiropractor, licensed nurse, dental
7 hygienist, optometrist, marriage and family therapist, clinical social
8 worker, professional clinical counselor, or any other person who
9 is currently licensed under Division 2 (commencing with Section
10 500) of the Business and Professions Code.
- 11 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
12 or other person certified pursuant to Division 2.5 (commencing
13 with Section 1797) of the Health and Safety Code.
- 14 (23) A psychological assistant registered pursuant to Section
15 2913 of the Business and Professions Code.
- 16 (24) A marriage and family therapist trainee, as defined in
17 subdivision (c) of Section 4980.03 of the Business and Professions
18 Code.
- 19 (25) An unlicensed marriage and family therapist intern
20 registered under Section 4980.44 of the Business and Professions
21 Code.
- 22 (26) A state or county public health employee who treats a minor
23 for venereal disease or any other condition.
- 24 (27) A coroner.
- 25 (28) A medical examiner; or ~~any~~ other person who performs
26 autopsies.
- 27 (29) A commercial film and photographic print processor; as
28 specified in subdivision (e) of Section 11166. As used in this
29 article, “commercial film and photographic print processor” means
30 ~~any~~ a person who develops exposed photographic film into
31 negatives, slides, or prints, or who makes prints from negatives or
32 slides, for compensation. The term includes any employee of ~~such~~
33 a *that* person; it does not include a person who develops film or
34 makes prints for a public agency.
- 35 (30) A child visitation monitor. As used in this article, “child
36 visitation monitor” means ~~any~~ a person who, for financial
37 compensation, acts as a monitor of a visit between a child and ~~any~~
38 ~~other~~ *another* person when the monitoring of that visit has been
39 ordered by a court of law.

1 (31) An animal control officer or humane society officer. For
2 the purposes of this article, the following terms have the following
3 meanings:

4 (A) “Animal control officer” means ~~any~~ a person employed by
5 a city, county, or city and county for the purpose of enforcing
6 animal control laws or regulations.

7 (B) “Humane society officer” means ~~any~~ a person appointed or
8 employed by a public or private entity as a humane officer who is
9 qualified pursuant to Section 14502 or 14503 of the Corporations
10 Code.

11 (32) A clergy member, as specified in subdivision (d) of Section
12 11166. As used in this article, “clergy member” means a priest,
13 minister, rabbi, religious practitioner, or similar functionary of a
14 church, temple, or recognized denomination or organization.

15 (33) Any custodian of records of a clergy member, as specified
16 in this section and subdivision (d) of Section 11166.

17 (34) ~~Any~~ An employee of any police department, county sheriff’s
18 department, county probation department, or county welfare
19 department.

20 (35) An employee or volunteer of a Court Appointed Special
21 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
22 Rules of Court.

23 (36) A custodial officer, as defined in Section 831.5.

24 (37) ~~Any~~ A person providing services to a minor child under
25 Section 12300 or 12300.1 of the Welfare and Institutions Code.

26 (38) An alcohol and drug counselor. As used in this article, an
27 “alcohol and drug counselor” is a person providing counseling,
28 therapy, or other clinical services for a state licensed or certified
29 drug, alcohol, or drug and alcohol treatment program. However,
30 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
31 and of itself, a sufficient basis for reporting child abuse or neglect.

32 (39) A clinical counselor trainee, as defined in subdivision (g)
33 of Section 4999.12 of the Business and Professions Code.

34 (40) A clinical counselor intern registered under Section 4999.42
35 of the Business and Professions Code.

36 (41) *An employee or administrator of a public or private*
37 *postsecondary institution, whose duties bring the administrator*
38 *or employee into contact with children on a regular basis, or who*
39 *supervises those whose duties bring the administrator or employee*
40 *into contact with children on a regular basis, as to child abuse or*

1 *neglect occurring on that institution’s premises or at an official*
2 *activity of, or program conducted by, the institution. Nothing in*
3 *this paragraph shall be construed as altering the lawyer-client*
4 *privilege as set forth in Article 3 (commencing with Section 950)*
5 *of Chapter 4 of Division 8 of the Evidence Code.*

6 (42) (A) *A commercial computer technician as specified in*
7 *subdivision (e) of Section 11166. As used in this article,*
8 *“commercial computer technician” means a person who works*
9 *for a company that is in the business of repairing, installing, or*
10 *otherwise servicing a computer or computer component, including,*
11 *but not limited to, a computer part, device, memory storage or*
12 *recording mechanism, auxiliary storage recording or memory*
13 *capacity, or any other material relating to the operation and*
14 *maintenance of a computer or computer network system, for a fee.*
15 *An employer who provides an electronic communications service*
16 *or a remote computing service to the public shall be deemed to*
17 *comply with this article if that employer complies with Section*
18 *2258A of Title 18 of the United States Code.*

19 (B) *An employer of a commercial computer technician may*
20 *implement internal procedures for facilitating reporting consistent*
21 *with this article. These procedures may direct employees who are*
22 *mandated reporters under this paragraph to report materials*
23 *described in subdivision (e) of Section 11166 to an employee who*
24 *is designated by the employer to receive the reports. An employee*
25 *who is designated to receive reports under this subparagraph shall*
26 *be a commercial computer technician for purposes of this article.*
27 *A commercial computer technician who makes a report to the*
28 *designated employee pursuant to this subparagraph shall be*
29 *deemed to have complied with the requirements of this article and*
30 *shall be subject to the protections afforded to mandated reporters,*
31 *including, but not limited to, those protections afforded by Section*
32 *11172.*

33 (43) *Any athletic coach, including, but not limited to, an*
34 *assistant coach or a graduate assistant involved in coaching, at*
35 *public or private postsecondary institutions.*

36 (b) *Except as provided in paragraph (35) of subdivision (a),*
37 *volunteers of public or private organizations whose duties require*
38 *direct contact with and supervision of children are not mandated*
39 *reporters but are encouraged to obtain training in the identification*
40 *and reporting of child abuse and neglect and are further encouraged*

1 to report known or suspected instances of child abuse or neglect
 2 to an agency specified in Section 11165.9.

3 (c) Employers are strongly encouraged to provide their
 4 employees who are mandated reporters with training in the duties
 5 imposed by this article. This training shall include training in child
 6 abuse and neglect identification and training in child abuse and
 7 neglect reporting. Whether or not employers provide their
 8 employees with training in child abuse and neglect identification
 9 and reporting, the employers shall provide their employees who
 10 are mandated reporters with the statement required pursuant to
 11 subdivision (a) of Section 11166.5.

12 (d) School districts that do not train their employees specified
 13 in subdivision (a) in the duties of mandated reporters under the
 14 child abuse reporting laws shall report to the State Department of
 15 Education the reasons why this training is not provided.

16 (e) Unless otherwise specifically provided, the absence of
 17 training shall not excuse a mandated reporter from the duties
 18 imposed by this article.

19 (f) Public and private organizations are encouraged to provide
 20 their volunteers whose duties require direct contact with and
 21 supervision of children with training in the identification and
 22 reporting of child abuse and neglect.

23 *SEC. 1.7. Section 11165.7 of the Penal Code is amended to*
 24 *read:*

25 11165.7. (a) As used in this article, “mandated reporter” is
 26 defined as any of the following:

- 27 (1) A teacher.
- 28 (2) An instructional aide.
- 29 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
 30 public or private school.
- 31 (4) A classified employee of ~~any a~~ public school.
- 32 (5) An administrative officer or supervisor of child welfare and
 33 attendance, or a certificated pupil personnel employee of ~~any a~~
 34 public or private school.
- 35 (6) An administrator of a public or private day camp.
- 36 (7) An administrator or employee of a public or private youth
 37 center, youth recreation program, or youth organization.
- 38 (8) An administrator or employee of a public or private
 39 organization whose duties require direct contact and supervision
 40 of children.

- 1 (9) ~~Any~~An employee of a county office of education or the
2 State Department of Education; whose duties bring the employee
3 into contact with children on a regular basis.
- 4 (10) A licensee, an administrator, or an employee of a licensed
5 community care or child day care facility.
- 6 (11) A Head Start program teacher.
- 7 (12) A licensing worker or licensing evaluator employed by a
8 licensing agency, as defined in Section 11165.11.
- 9 (13) A public assistance worker.
- 10 (14) An employee of a child care institution, including, but not
11 limited to, foster parents, group home personnel, and personnel of
12 residential care facilities.
- 13 (15) A social worker, probation officer, or parole officer.
- 14 (16) An employee of a school district police or security
15 department.
- 16 (17) ~~Any~~A person who is an administrator or presenter of, or
17 a counselor in, a child abuse prevention program in ~~any~~ a public
18 or private school.
- 19 (18) A district attorney investigator, inspector, or local child
20 support agency caseworker, unless the investigator, inspector, or
21 caseworker is working with an attorney appointed pursuant to
22 Section 317 of the Welfare and Institutions Code to represent a
23 minor.
- 24 (19) A peace officer, as defined in Chapter 4.5 (commencing
25 with Section 830) of Title 3 of Part 2, who is not otherwise
26 described in this section.
- 27 (20) A firefighter, except for volunteer firefighters.
- 28 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
29 resident, intern, podiatrist, chiropractor, licensed nurse, dental
30 hygienist, optometrist, marriage and family therapist, clinical social
31 worker, professional clinical counselor, or any other person who
32 is currently licensed under Division 2 (commencing with Section
33 500) of the Business and Professions Code.
- 34 (22) ~~Any~~An emergency medical technician I or II, paramedic,
35 or other person certified pursuant to Division 2.5 (commencing
36 with Section 1797) of the Health and Safety Code.
- 37 (23) A psychological assistant registered pursuant to Section
38 2913 of the Business and Professions Code.

1 (24) A marriage and family therapist trainee, as defined in
2 subdivision (c) of Section 4980.03 of the Business and Professions
3 Code.

4 (25) An unlicensed marriage and family therapist intern
5 registered under Section 4980.44 of the Business and Professions
6 Code.

7 (26) A state or county public health employee who treats a minor
8 for venereal disease or any other condition.

9 (27) A coroner.

10 (28) A medical examiner; or ~~any~~ other person who performs
11 autopsies.

12 (29) A commercial film and photographic print processor; as
13 specified in subdivision (e) of Section 11166. As used in this
14 article, “commercial film and photographic print processor” means
15 ~~any~~ a person who develops exposed photographic film into
16 negatives, slides, or prints, or who makes prints from negatives or
17 slides, for compensation. The term includes any employee of ~~such~~
18 ~~a~~ that person; it does not include a person who develops film or
19 makes prints for a public agency.

20 (30) A child visitation monitor. As used in this article, “child
21 visitation monitor” means ~~any~~ a person who, for financial
22 compensation, acts as a monitor of a visit between a child and ~~any~~
23 ~~other~~ another person when the monitoring of that visit has been
24 ordered by a court of law.

25 (31) An animal control officer or humane society officer. For
26 the purposes of this article, the following terms have the following
27 meanings:

28 (A) “Animal control officer” means ~~any~~ a person employed by
29 a city, county, or city and county for the purpose of enforcing
30 animal control laws or regulations.

31 (B) “Humane society officer” means ~~any~~ a person appointed or
32 employed by a public or private entity as a humane officer who is
33 qualified pursuant to Section 14502 or 14503 of the Corporations
34 Code.

35 (32) A clergy member, as specified in subdivision (d) of Section
36 11166. As used in this article, “clergy member” means a priest,
37 minister, rabbi, religious practitioner, or similar functionary of a
38 church, temple, or recognized denomination or organization.

39 (33) Any custodian of records of a clergy member, as specified
40 in this section and subdivision (d) of Section 11166.

1 (34) ~~Any~~ An employee of any police department, county sheriff’s
2 department, county probation department, or county welfare
3 department.

4 (35) An employee or volunteer of a Court Appointed Special
5 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
6 Rules of Court.

7 (36) A custodial officer, as defined in Section 831.5.

8 (37) ~~Any~~ A person providing services to a minor child under
9 Section 12300 or 12300.1 of the Welfare and Institutions Code.

10 (38) An alcohol and drug counselor. As used in this article, an
11 “alcohol and drug counselor” is a person providing counseling,
12 therapy, or other clinical services for a state licensed or certified
13 drug, alcohol, or drug and alcohol treatment program. However,
14 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
15 and of itself, a sufficient basis for reporting child abuse or neglect.

16 (39) A clinical counselor trainee, as defined in subdivision (g)
17 of Section 4999.12 of the Business and Professions Code.

18 (40) A clinical counselor intern registered under Section 4999.42
19 of the Business and Professions Code.

20 (41) *An employee or administrator of a public or private*
21 *postsecondary institution, whose duties bring the administrator*
22 *or employee into contact with children on a regular basis, or who*
23 *supervises those whose duties bring the administrator or employee*
24 *into contact with children on a regular basis, as to child abuse or*
25 *neglect occurring on that institution’s premises or at an official*
26 *activity of, or program conducted by, the institution. Nothing in*
27 *this paragraph shall be construed as altering the lawyer-client*
28 *privilege as set forth in Article 3 (commencing with Section 950)*
29 *of Chapter 4 of Division 8 of the Evidence Code.*

30 (42) *An athletic coach, athletic administrator, or athletic*
31 *director employed by any public or private school that provides*
32 *any combination of instruction for kindergarten, or grades 1 to*
33 *12, inclusive.*

34 (43) *Any athletic coach, including, but not limited to, an*
35 *assistant coach or a graduate assistant involved in coaching, at*
36 *public or private postsecondary institutions.*

37 (b) Except as provided in paragraph (35) of subdivision (a),
38 volunteers of public or private organizations whose duties require
39 direct contact with and supervision of children are not mandated
40 reporters but are encouraged to obtain training in the identification

1 and reporting of child abuse and neglect and are further encouraged
2 to report known or suspected instances of child abuse or neglect
3 to an agency specified in Section 11165.9.

4 (c) Employers are strongly encouraged to provide their
5 employees who are mandated reporters with training in the duties
6 imposed by this article. This training shall include training in child
7 abuse and neglect identification and training in child abuse and
8 neglect reporting. Whether or not employers provide their
9 employees with training in child abuse and neglect identification
10 and reporting, the employers shall provide their employees who
11 are mandated reporters with the statement required pursuant to
12 subdivision (a) of Section 11166.5.

13 (d) School districts that do not train their employees specified
14 in subdivision (a) in the duties of mandated reporters under the
15 child abuse reporting laws shall report to the State Department of
16 Education the reasons why this training is not provided.

17 (e) Unless otherwise specifically provided, the absence of
18 training shall not excuse a mandated reporter from the duties
19 imposed by this article.

20 (f) Public and private organizations are encouraged to provide
21 their volunteers whose duties require direct contact with and
22 supervision of children with training in the identification and
23 reporting of child abuse and neglect.

24 *SEC. 1.8. Section 11165.7 of the Penal Code is amended to*
25 *read:*

26 11165.7. (a) As used in this article, “mandated reporter” is
27 defined as any of the following:

28 (1) A teacher.

29 (2) An instructional aide.

30 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
31 public or private school.

32 (4) A classified employee of ~~any a~~ public school.

33 (5) An administrative officer or supervisor of child welfare and
34 attendance, or a certificated pupil personnel employee of ~~any a~~
35 public or private school.

36 (6) An administrator of a public or private day camp.

37 (7) An administrator or employee of a public or private youth
38 center, youth recreation program, or youth organization.

- 1 (8) An administrator or employee of a public or private
2 organization whose duties require direct contact and supervision
3 of children.
- 4 (9) ~~Any~~ An employee of a county office of education or the
5 State Department of Education, whose duties bring the employee
6 into contact with children on a regular basis.
- 7 (10) A licensee, an administrator, or an employee of a licensed
8 community care or child day care facility.
- 9 (11) A Head Start program teacher.
- 10 (12) A licensing worker or licensing evaluator employed by a
11 licensing agency, as defined in Section 11165.11.
- 12 (13) A public assistance worker.
- 13 (14) An employee of a child care institution, including, but not
14 limited to, foster parents, group home personnel, and personnel of
15 residential care facilities.
- 16 (15) A social worker, probation officer, or parole officer.
- 17 (16) An employee of a school district police or security
18 department.
- 19 (17) ~~Any~~ A person who is an administrator or presenter of, or
20 a counselor in, a child abuse prevention program in ~~any~~ a public
21 or private school.
- 22 (18) A district attorney investigator, inspector, or local child
23 support agency caseworker, unless the investigator, inspector, or
24 caseworker is working with an attorney appointed pursuant to
25 Section 317 of the Welfare and Institutions Code to represent a
26 minor.
- 27 (19) A peace officer, as defined in Chapter 4.5 (commencing
28 with Section 830) of Title 3 of Part 2, who is not otherwise
29 described in this section.
- 30 (20) A firefighter, except for volunteer firefighters.
- 31 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
32 resident, intern, podiatrist, chiropractor, licensed nurse, dental
33 hygienist, optometrist, marriage and family therapist, clinical social
34 worker, professional clinical counselor, or any other person who
35 is currently licensed under Division 2 (commencing with Section
36 500) of the Business and Professions Code.
- 37 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
38 or other person certified pursuant to Division 2.5 (commencing
39 with Section 1797) of the Health and Safety Code.

1 (23) A psychological assistant registered pursuant to Section
2 2913 of the Business and Professions Code.

3 (24) A marriage and family therapist trainee, as defined in
4 subdivision (c) of Section 4980.03 of the Business and Professions
5 Code.

6 (25) An unlicensed marriage and family therapist intern
7 registered under Section 4980.44 of the Business and Professions
8 Code.

9 (26) A state or county public health employee who treats a minor
10 for venereal disease or any other condition.

11 (27) A coroner.

12 (28) A medical examiner; or ~~any~~ other person who performs
13 autopsies.

14 (29) A commercial film and photographic print ~~processor~~; or
15 *image processor* as specified in subdivision (e) of Section 11166.
16 As used in this article, “commercial film and photographic print
17 or *image processor*” means ~~any~~ a person who develops exposed
18 photographic film into negatives, slides, or prints, or who makes
19 prints from negatives or slides, or *who prepares, publishes,*
20 *produces, develops, duplicates, or prints any representation of*
21 *information, data, or an image, including, but not limited to, any*
22 *film, filmstrip, photograph, negative, slide, photocopy, videotape,*
23 *video laser disk, computer hardware, computer software, computer*
24 *floppy disk, data storage medium, CD-ROM, computer-generated*
25 *equipment, or computer-generated image*, for compensation. The
26 term includes any employee of ~~such a~~ *that* person; it does not
27 include a person who develops film or makes prints or *images* for
28 a public agency.

29 (30) A child visitation monitor. As used in this article, “child
30 visitation monitor” means ~~any~~ a person who, for financial
31 compensation, acts as a monitor of a visit between a child and ~~any~~
32 ~~other~~ *another* person when the monitoring of that visit has been
33 ordered by a court of law.

34 (31) An animal control officer or humane society officer. For
35 the purposes of this article, the following terms have the following
36 meanings:

37 (A) “Animal control officer” means ~~any~~ a person employed by
38 a city, county, or city and county for the purpose of enforcing
39 animal control laws or regulations.

1 (B) “Humane society officer” means ~~any~~ a person appointed or
2 employed by a public or private entity as a humane officer who is
3 qualified pursuant to Section 14502 or 14503 of the Corporations
4 Code.

5 (32) A clergy member, as specified in subdivision (d) of Section
6 11166. As used in this article, “clergy member” means a priest,
7 minister, rabbi, religious practitioner, or similar functionary of a
8 church, temple, or recognized denomination or organization.

9 (33) Any custodian of records of a clergy member, as specified
10 in this section and subdivision (d) of Section 11166.

11 (34) ~~Any~~ An employee of any police department, county sheriff’s
12 department, county probation department, or county welfare
13 department.

14 (35) An employee or volunteer of a Court Appointed Special
15 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
16 Rules of Court.

17 (36) A custodial officer, as defined in Section 831.5.

18 (37) ~~Any~~ A person providing services to a minor child under
19 Section 12300 or 12300.1 of the Welfare and Institutions Code.

20 (38) An alcohol and drug counselor. As used in this article, an
21 “alcohol and drug counselor” is a person providing counseling,
22 therapy, or other clinical services for a state licensed or certified
23 drug, alcohol, or drug and alcohol treatment program. However,
24 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
25 and of itself, a sufficient basis for reporting child abuse or neglect.

26 (39) A clinical counselor trainee, as defined in subdivision (g)
27 of Section 4999.12 of the Business and Professions Code.

28 (40) A clinical counselor intern registered under Section 4999.42
29 of the Business and Professions Code.

30 (41) (A) *A commercial computer technician as specified in*
31 *subdivision (e) of Section 11166. As used in this article,*
32 *“commercial computer technician” means a person who works*
33 *for a company that is in the business of repairing, installing, or*
34 *otherwise servicing a computer or computer component, including,*
35 *but not limited to, a computer part, device, memory storage or*
36 *recording mechanism, auxiliary storage recording or memory*
37 *capacity, or any other material relating to the operation and*
38 *maintenance of a computer or computer network system, for a fee.*
39 *An employer who provides an electronic communications service*
40 *or a remote computing service to the public shall be deemed to*

1 *comply with this article if that employer complies with Section*
2 *2258A of Title 18 of the United States Code.*

3 *(B) An employer of a commercial computer technician may*
4 *implement internal procedures for facilitating reporting consistent*
5 *with this article. These procedures may direct employees who are*
6 *mandated reporters under this paragraph to report materials*
7 *described in subdivision (e) of Section 11166 to an employee who*
8 *is designated by the employer to receive the reports. An employee*
9 *who is designated to receive reports under this subparagraph shall*
10 *be a commercial computer technician for purposes of this article.*
11 *A commercial computer technician who makes a report to the*
12 *designated employee pursuant to this subparagraph shall be*
13 *deemed to have complied with the requirements of this article and*
14 *shall be subject to the protections afforded to mandated reporters,*
15 *including, but not limited to, those protections afforded by Section*
16 *11172.*

17 *(42) Any athletic coach, including, but not limited to, an*
18 *assistant coach or a graduate assistant involved in coaching, at*
19 *public or private postsecondary institutions.*

20 *(b) Except as provided in paragraph (35) of subdivision (a),*
21 *volunteers of public or private organizations whose duties require*
22 *direct contact with and supervision of children are not mandated*
23 *reporters but are encouraged to obtain training in the identification*
24 *and reporting of child abuse and neglect and are further encouraged*
25 *to report known or suspected instances of child abuse or neglect*
26 *to an agency specified in Section 11165.9.*

27 *(c) Employers are strongly encouraged to provide their*
28 *employees who are mandated reporters with training in the duties*
29 *imposed by this article. This training shall include training in child*
30 *abuse and neglect identification and training in child abuse and*
31 *neglect reporting. Whether or not employers provide their*
32 *employees with training in child abuse and neglect identification*
33 *and reporting, the employers shall provide their employees who*
34 *are mandated reporters with the statement required pursuant to*
35 *subdivision (a) of Section 11166.5.*

36 *(d) School districts that do not train their employees specified*
37 *in subdivision (a) in the duties of mandated reporters under the*
38 *child abuse reporting laws shall report to the State Department of*
39 *Education the reasons why this training is not provided.*

1 (e) Unless otherwise specifically provided, the absence of
2 training shall not excuse a mandated reporter from the duties
3 imposed by this article.

4 (f) Public and private organizations are encouraged to provide
5 their volunteers whose duties require direct contact with and
6 supervision of children with training in the identification and
7 reporting of child abuse and neglect.

8 *SEC. 1.9. Section 11165.7 of the Penal Code is amended to*
9 *read:*

10 11165.7. (a) As used in this article, “mandated reporter” is
11 defined as any of the following:

12 (1) A teacher.

13 (2) An instructional aide.

14 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
15 public or private school.

16 (4) A classified employee of ~~any a~~ public school.

17 (5) An administrative officer or supervisor of child welfare and
18 attendance, or a certificated pupil personnel employee of ~~any a~~
19 public or private school.

20 (6) An administrator of a public or private day camp.

21 (7) An administrator or employee of a public or private youth
22 center, youth recreation program, or youth organization.

23 (8) An administrator or employee of a public or private
24 organization whose duties require direct contact and supervision
25 of children.

26 (9) ~~Any~~ An employee of a county office of education or the
27 State Department of Education; whose duties bring the employee
28 into contact with children on a regular basis.

29 (10) A licensee, an administrator, or an employee of a licensed
30 community care or child day care facility.

31 (11) A Head Start program teacher.

32 (12) A licensing worker or licensing evaluator employed by a
33 licensing agency, as defined in Section 11165.11.

34 (13) A public assistance worker.

35 (14) An employee of a child care institution, including, but not
36 limited to, foster parents, group home personnel, and personnel of
37 residential care facilities.

38 (15) A social worker, probation officer, or parole officer.

39 (16) An employee of a school district police or security
40 department.

- 1 (17) ~~Any~~A person who is an administrator or presenter of, or
2 a counselor in, a child abuse prevention program in ~~any~~ a public
3 or private school.
- 4 (18) A district attorney investigator, inspector, or local child
5 support agency caseworker, unless the investigator, inspector, or
6 caseworker is working with an attorney appointed pursuant to
7 Section 317 of the Welfare and Institutions Code to represent a
8 minor.
- 9 (19) A peace officer, as defined in Chapter 4.5 (commencing
10 with Section 830) of Title 3 of Part 2, who is not otherwise
11 described in this section.
- 12 (20) A firefighter, except for volunteer firefighters.
- 13 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
14 resident, intern, podiatrist, chiropractor, licensed nurse, dental
15 hygienist, optometrist, marriage and family therapist, clinical social
16 worker, professional clinical counselor, or any other person who
17 is currently licensed under Division 2 (commencing with Section
18 500) of the Business and Professions Code.
- 19 (22) ~~Any~~An emergency medical technician I or II, paramedic,
20 or other person certified pursuant to Division 2.5 (commencing
21 with Section 1797) of the Health and Safety Code.
- 22 (23) A psychological assistant registered pursuant to Section
23 2913 of the Business and Professions Code.
- 24 (24) A marriage and family therapist trainee, as defined in
25 subdivision (c) of Section 4980.03 of the Business and Professions
26 Code.
- 27 (25) An unlicensed marriage and family therapist intern
28 registered under Section 4980.44 of the Business and Professions
29 Code.
- 30 (26) A state or county public health employee who treats a minor
31 for venereal disease or any other condition.
- 32 (27) A coroner.
- 33 (28) A medical examiner; or ~~any~~ other person who performs
34 autopsies.
- 35 (29) A commercial film and photographic print ~~processor~~, or
36 *image processor* as specified in subdivision (e) of Section 11166.
37 As used in this article, “commercial film and photographic print
38 or *image processor*” means ~~any~~ a person who develops exposed
39 photographic film into negatives, slides, or prints, or who makes
40 prints from negatives or slides, or who prepares, publishes,

1 *produces, develops, duplicates, or prints any representation of*
2 *information, data, or an image, including, but not limited to, any*
3 *film, filmstrip, photograph, negative, slide, photocopy, videotape,*
4 *video laser disk, computer hardware, computer software, computer*
5 *floppy disk, data storage medium, CD-ROM, computer-generated*
6 *equipment, or computer-generated image, for compensation. The*
7 *term includes any employee of—such a that person; it does not*
8 *include a person who develops film or makes prints or images for*
9 *a public agency.*

10 (30) A child visitation monitor. As used in this article, “child
11 visitation monitor” means—~~any~~ a person who, for financial
12 compensation, acts as a monitor of a visit between a child and—~~any~~
13 ~~other~~ another person when the monitoring of that visit has been
14 ordered by a court of law.

15 (31) An animal control officer or humane society officer. For
16 the purposes of this article, the following terms have the following
17 meanings:

18 (A) “Animal control officer” means—~~any~~ a person employed by
19 a city, county, or city and county for the purpose of enforcing
20 animal control laws or regulations.

21 (B) “Humane society officer” means—~~any~~ a person appointed or
22 employed by a public or private entity as a humane officer who is
23 qualified pursuant to Section 14502 or 14503 of the Corporations
24 Code.

25 (32) A clergy member, as specified in subdivision (d) of Section
26 11166. As used in this article, “clergy member” means a priest,
27 minister, rabbi, religious practitioner, or similar functionary of a
28 church, temple, or recognized denomination or organization.

29 (33) Any custodian of records of a clergy member, as specified
30 in this section and subdivision (d) of Section 11166.

31 (34) ~~Any~~An employee of any police department, county sheriff’s
32 department, county probation department, or county welfare
33 department.

34 (35) An employee or volunteer of a Court Appointed Special
35 Advocate program, as defined in Rule—~~1424~~ 5.566 of the California
36 Rules of Court.

37 (36) A custodial officer, as defined in Section 831.5.

38 (37) ~~Any~~A person providing services to a minor child under
39 Section 12300 or 12300.1 of the Welfare and Institutions Code.

1 (38) An alcohol and drug counselor. As used in this article, an
2 “alcohol and drug counselor” is a person providing counseling,
3 therapy, or other clinical services for a state licensed or certified
4 drug, alcohol, or drug and alcohol treatment program. However,
5 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
6 and of itself, a sufficient basis for reporting child abuse or neglect.

7 (39) A clinical counselor trainee, as defined in subdivision (g)
8 of Section 4999.12 of the Business and Professions Code.

9 (40) A clinical counselor intern registered under Section 4999.42
10 of the Business and Professions Code.

11 *(41) An athletic coach, athletic administrator, or athletic*
12 *director employed by any public or private school that provides*
13 *any combination of instruction for kindergarten, or grades 1 to*
14 *12, inclusive.*

15 *(42) Any athletic coach, including, but not limited to, an*
16 *assistant coach or a graduate assistant involved in coaching, at*
17 *public or private postsecondary institutions.*

18 (b) Except as provided in paragraph (35) of subdivision (a),
19 volunteers of public or private organizations whose duties require
20 direct contact with and supervision of children are not mandated
21 reporters but are encouraged to obtain training in the identification
22 and reporting of child abuse and neglect and are further encouraged
23 to report known or suspected instances of child abuse or neglect
24 to an agency specified in Section 11165.9.

25 (c) Employers are strongly encouraged to provide their
26 employees who are mandated reporters with training in the duties
27 imposed by this article. This training shall include training in child
28 abuse and neglect identification and training in child abuse and
29 neglect reporting. Whether or not employers provide their
30 employees with training in child abuse and neglect identification
31 and reporting, the employers shall provide their employees who
32 are mandated reporters with the statement required pursuant to
33 subdivision (a) of Section 11166.5.

34 (d) School districts that do not train their employees specified
35 in subdivision (a) in the duties of mandated reporters under the
36 child abuse reporting laws shall report to the State Department of
37 Education the reasons why this training is not provided.

38 (e) Unless otherwise specifically provided, the absence of
39 training shall not excuse a mandated reporter from the duties
40 imposed by this article.

1 (f) Public and private organizations are encouraged to provide
2 their volunteers whose duties require direct contact with and
3 supervision of children with training in the identification and
4 reporting of child abuse and neglect.

5 *SEC. 1.10. Section 11165.7 of the Penal Code is amended to*
6 *read:*

7 11165.7. (a) As used in this article, “mandated reporter” is
8 defined as any of the following:

9 (1) A teacher.

10 (2) An instructional aide.

11 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
12 public or private school.

13 (4) A classified employee of ~~any a~~ public school.

14 (5) An administrative officer or supervisor of child welfare and
15 attendance, or a certificated pupil personnel employee of ~~any a~~
16 public or private school.

17 (6) An administrator of a public or private day camp.

18 (7) An administrator or employee of a public or private youth
19 center, youth recreation program, or youth organization.

20 (8) An administrator or employee of a public or private
21 organization whose duties require direct contact and supervision
22 of children.

23 (9) ~~Any~~ An employee of a county office of education or the
24 State Department of Education, whose duties bring the employee
25 into contact with children on a regular basis.

26 (10) A licensee, an administrator, or an employee of a licensed
27 community care or child day care facility.

28 (11) A Head Start program teacher.

29 (12) A licensing worker or licensing evaluator employed by a
30 licensing agency, as defined in Section 11165.11.

31 (13) A public assistance worker.

32 (14) An employee of a child care institution, including, but not
33 limited to, foster parents, group home personnel, and personnel of
34 residential care facilities.

35 (15) A social worker, probation officer, or parole officer.

36 (16) An employee of a school district police or security
37 department.

38 (17) ~~Any~~ A person who is an administrator or presenter of, or
39 a counselor in, a child abuse prevention program in ~~any a~~ public
40 or private school.

- 1 (18) A district attorney investigator, inspector, or local child
2 support agency caseworker, unless the investigator, inspector, or
3 caseworker is working with an attorney appointed pursuant to
4 Section 317 of the Welfare and Institutions Code to represent a
5 minor.
- 6 (19) A peace officer, as defined in Chapter 4.5 (commencing
7 with Section 830) of Title 3 of Part 2, who is not otherwise
8 described in this section.
- 9 (20) A firefighter, except for volunteer firefighters.
- 10 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
11 resident, intern, podiatrist, chiropractor, licensed nurse, dental
12 hygienist, optometrist, marriage and family therapist, clinical social
13 worker, professional clinical counselor, or any other person who
14 is currently licensed under Division 2 (commencing with Section
15 500) of the Business and Professions Code.
- 16 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
17 or other person certified pursuant to Division 2.5 (commencing
18 with Section 1797) of the Health and Safety Code.
- 19 (23) A psychological assistant registered pursuant to Section
20 2913 of the Business and Professions Code.
- 21 (24) A marriage and family therapist trainee, as defined in
22 subdivision (c) of Section 4980.03 of the Business and Professions
23 Code.
- 24 (25) An unlicensed marriage and family therapist intern
25 registered under Section 4980.44 of the Business and Professions
26 Code.
- 27 (26) A state or county public health employee who treats a minor
28 for venereal disease or any other condition.
- 29 (27) A coroner.
- 30 (28) A medical examiner; or ~~any~~ other person who performs
31 autopsies.
- 32 (29) A commercial film and photographic print processor; as
33 specified in subdivision (e) of Section 11166. As used in this
34 article, “commercial film and photographic print processor” means
35 ~~any~~ a person who develops exposed photographic film into
36 negatives, slides, or prints, or who makes prints from negatives or
37 slides, for compensation. The term includes any employee of ~~such~~
38 a *that* person; it does not include a person who develops film or
39 makes prints for a public agency.

1 (30) A child visitation monitor. As used in this article, “child
2 visitation monitor” means ~~any~~ a person who, for financial
3 compensation, acts as a monitor of a visit between a child and ~~any~~
4 ~~other~~ another person when the monitoring of that visit has been
5 ordered by a court of law.

6 (31) An animal control officer or humane society officer. For
7 the purposes of this article, the following terms have the following
8 meanings:

9 (A) “Animal control officer” means ~~any~~ a person employed by
10 a city, county, or city and county for the purpose of enforcing
11 animal control laws or regulations.

12 (B) “Humane society officer” means ~~any~~ a person appointed or
13 employed by a public or private entity as a humane officer who is
14 qualified pursuant to Section 14502 or 14503 of the Corporations
15 Code.

16 (32) A clergy member, as specified in subdivision (d) of Section
17 11166. As used in this article, “clergy member” means a priest,
18 minister, rabbi, religious practitioner, or similar functionary of a
19 church, temple, or recognized denomination or organization.

20 (33) Any custodian of records of a clergy member, as specified
21 in this section and subdivision (d) of Section 11166.

22 (34) ~~Any~~ An employee of any police department, county sheriff’s
23 department, county probation department, or county welfare
24 department.

25 (35) An employee or volunteer of a Court Appointed Special
26 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
27 Rules of Court.

28 (36) A custodial officer, as defined in Section 831.5.

29 (37) ~~Any~~ A person providing services to a minor child under
30 Section 12300 or 12300.1 of the Welfare and Institutions Code.

31 (38) An alcohol and drug counselor. As used in this article, an
32 “alcohol and drug counselor” is a person providing counseling,
33 therapy, or other clinical services for a state licensed or certified
34 drug, alcohol, or drug and alcohol treatment program. However,
35 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
36 and of itself, a sufficient basis for reporting child abuse or neglect.

37 (39) A clinical counselor trainee, as defined in subdivision (g)
38 of Section 4999.12 of the Business and Professions Code.

39 (40) A clinical counselor intern registered under Section 4999.42
40 of the Business and Professions Code.

1 (41) An athletic coach, athletic administrator, or athletic
2 director employed by any public or private school that provides
3 any combination of instruction for kindergarten, or grades 1 to
4 12, inclusive.

5 (42) (A) A commercial computer technician as specified in
6 subdivision (e) of Section 11166. As used in this article,
7 “commercial computer technician” means a person who works
8 for a company that is in the business of repairing, installing, or
9 otherwise servicing a computer or computer component, including,
10 but not limited to, a computer part, device, memory storage or
11 recording mechanism, auxiliary storage recording or memory
12 capacity, or any other material relating to the operation and
13 maintenance of a computer or computer network system, for a fee.
14 An employer who provides an electronic communications service
15 or a remote computing service to the public shall be deemed to
16 comply with this article if that employer complies with Section
17 2258A of Title 18 of the United States Code.

18 (B) An employer of a commercial computer technician may
19 implement internal procedures for facilitating reporting consistent
20 with this article. These procedures may direct employees who are
21 mandated reporters under this paragraph to report materials
22 described in subdivision (e) of Section 11166 to an employee who
23 is designated by the employer to receive the reports. An employee
24 who is designated to receive reports under this subparagraph shall
25 be a commercial computer technician for purposes of this article.
26 A commercial computer technician who makes a report to the
27 designated employee pursuant to this subparagraph shall be
28 deemed to have complied with the requirements of this article and
29 shall be subject to the protections afforded to mandated reporters,
30 including, but not limited to, those protections afforded by Section
31 11172.

32 (43) Any athletic coach, including, but not limited to, an
33 assistant coach or a graduate assistant involved in coaching, at
34 public or private postsecondary institutions.

35 (b) Except as provided in paragraph (35) of subdivision (a),
36 volunteers of public or private organizations whose duties require
37 direct contact with and supervision of children are not mandated
38 reporters but are encouraged to obtain training in the identification
39 and reporting of child abuse and neglect and are further encouraged

1 to report known or suspected instances of child abuse or neglect
2 to an agency specified in Section 11165.9.

3 (c) Employers are strongly encouraged to provide their
4 employees who are mandated reporters with training in the duties
5 imposed by this article. This training shall include training in child
6 abuse and neglect identification and training in child abuse and
7 neglect reporting. Whether or not employers provide their
8 employees with training in child abuse and neglect identification
9 and reporting, the employers shall provide their employees who
10 are mandated reporters with the statement required pursuant to
11 subdivision (a) of Section 11166.5.

12 (d) School districts that do not train their employees specified
13 in subdivision (a) in the duties of mandated reporters under the
14 child abuse reporting laws shall report to the State Department of
15 Education the reasons why this training is not provided.

16 (e) Unless otherwise specifically provided, the absence of
17 training shall not excuse a mandated reporter from the duties
18 imposed by this article.

19 (f) Public and private organizations are encouraged to provide
20 their volunteers whose duties require direct contact with and
21 supervision of children with training in the identification and
22 reporting of child abuse and neglect.

23 *SEC. 1.11. Section 11165.7 of the Penal Code is amended to*
24 *read:*

25 11165.7. (a) As used in this article, “mandated reporter” is
26 defined as any of the following:

27 (1) A teacher.

28 (2) An instructional aide.

29 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
30 public or private school.

31 (4) A classified employee of ~~any a~~ public school.

32 (5) An administrative officer or supervisor of child welfare and
33 attendance, or a certificated pupil personnel employee of ~~any a~~
34 public or private school.

35 (6) An administrator of a public or private day camp.

36 (7) An administrator or employee of a public or private youth
37 center, youth recreation program, or youth organization.

38 (8) An administrator or employee of a public or private
39 organization whose duties require direct contact and supervision
40 of children.

- 1 (9) ~~Any~~ An employee of a county office of education or the
2 State Department of Education; whose duties bring the employee
3 into contact with children on a regular basis.
- 4 (10) A licensee, an administrator, or an employee of a licensed
5 community care or child day care facility.
- 6 (11) A Head Start program teacher.
- 7 (12) A licensing worker or licensing evaluator employed by a
8 licensing agency, as defined in Section 11165.11.
- 9 (13) A public assistance worker.
- 10 (14) An employee of a child care institution, including, but not
11 limited to, foster parents, group home personnel, and personnel of
12 residential care facilities.
- 13 (15) A social worker, probation officer, or parole officer.
- 14 (16) An employee of a school district police or security
15 department.
- 16 (17) ~~Any~~ A person who is an administrator or presenter of, or
17 a counselor in, a child abuse prevention program in ~~any~~ a public
18 or private school.
- 19 (18) A district attorney investigator, inspector, or local child
20 support agency caseworker, unless the investigator, inspector, or
21 caseworker is working with an attorney appointed pursuant to
22 Section 317 of the Welfare and Institutions Code to represent a
23 minor.
- 24 (19) A peace officer, as defined in Chapter 4.5 (commencing
25 with Section 830) of Title 3 of Part 2, who is not otherwise
26 described in this section.
- 27 (20) A firefighter, except for volunteer firefighters.
- 28 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
29 resident, intern, podiatrist, chiropractor, licensed nurse, dental
30 hygienist, optometrist, marriage and family therapist, clinical social
31 worker, professional clinical counselor, or any other person who
32 is currently licensed under Division 2 (commencing with Section
33 500) of the Business and Professions Code.
- 34 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
35 or other person certified pursuant to Division 2.5 (commencing
36 with Section 1797) of the Health and Safety Code.
- 37 (23) A psychological assistant registered pursuant to Section
38 2913 of the Business and Professions Code.

1 (24) A marriage and family therapist trainee, as defined in
2 subdivision (c) of Section 4980.03 of the Business and Professions
3 Code.

4 (25) An unlicensed marriage and family therapist intern
5 registered under Section 4980.44 of the Business and Professions
6 Code.

7 (26) A state or county public health employee who treats a minor
8 for venereal disease or any other condition.

9 (27) A coroner.

10 (28) A medical examiner; or ~~any~~ other person who performs
11 autopsies.

12 (29) A commercial film and photographic print ~~processor~~, or
13 *image processor* as specified in subdivision (e) of Section 11166.
14 As used in this article, “commercial film and photographic print
15 or *image processor*” means ~~any~~ a person who develops exposed
16 photographic film into negatives, slides, or prints, or who makes
17 prints from negatives or slides, or who prepares, publishes,
18 produces, develops, duplicates, or prints any representation of
19 information, data, or an image, including, but not limited to, any
20 film, filmstrip, photograph, negative, slide, photocopy, videotape,
21 video laser disk, computer hardware, computer software, computer
22 floppy disk, data storage medium, CD-ROM, computer-generated
23 equipment, or computer-generated image, for compensation. The
24 term includes any employee of ~~such a~~ that person; it does not
25 include a person who develops film or makes prints or images for
26 a public agency.

27 (30) A child visitation monitor. As used in this article, “child
28 visitation monitor” means ~~any~~ a person who, for financial
29 compensation, acts as a monitor of a visit between a child and ~~any~~
30 ~~other~~ another person when the monitoring of that visit has been
31 ordered by a court of law.

32 (31) An animal control officer or humane society officer. For
33 the purposes of this article, the following terms have the following
34 meanings:

35 (A) “Animal control officer” means ~~any~~ a person employed by
36 a city, county, or city and county for the purpose of enforcing
37 animal control laws or regulations.

38 (B) “Humane society officer” means ~~any~~ a person appointed or
39 employed by a public or private entity as a humane officer who is

1 qualified pursuant to Section 14502 or 14503 of the Corporations
2 Code.

3 (32) A clergy member, as specified in subdivision (d) of Section
4 11166. As used in this article, “clergy member” means a priest,
5 minister, rabbi, religious practitioner, or similar functionary of a
6 church, temple, or recognized denomination or organization.

7 (33) Any custodian of records of a clergy member, as specified
8 in this section and subdivision (d) of Section 11166.

9 (34) ~~Any~~An employee of any police department, county sheriff’s
10 department, county probation department, or county welfare
11 department.

12 (35) An employee or volunteer of a Court Appointed Special
13 Advocate program, as defined in Rule ~~424~~ 5.566 of the California
14 Rules of Court.

15 (36) A custodial officer, as defined in Section 831.5.

16 (37) ~~Any~~A person providing services to a minor child under
17 Section 12300 or 12300.1 of the Welfare and Institutions Code.

18 (38) An alcohol and drug counselor. As used in this article, an
19 “alcohol and drug counselor” is a person providing counseling,
20 therapy, or other clinical services for a state licensed or certified
21 drug, alcohol, or drug and alcohol treatment program. However,
22 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
23 and of itself, a sufficient basis for reporting child abuse or neglect.

24 (39) A clinical counselor trainee, as defined in subdivision (g)
25 of Section 4999.12 of the Business and Professions Code.

26 (40) A clinical counselor intern registered under Section 4999.42
27 of the Business and Professions Code.

28 (41) *An employee or administrator of a public or private*
29 *postsecondary institution, whose duties bring the administrator*
30 *or employee into contact with children on a regular basis, or who*
31 *supervises those whose duties bring the administrator or employee*
32 *into contact with children on a regular basis, as to child abuse or*
33 *neglect occurring on that institution’s premises or at an official*
34 *activity of, or program conducted by, the institution. Nothing in*
35 *this paragraph shall be construed as altering the lawyer-client*
36 *privilege as set forth in Article 3 (commencing with Section 950)*
37 *of Chapter 4 of Division 8 of the Evidence Code.*

38 (42) (A) *A commercial computer technician as specified in*
39 *subdivision (e) of Section 11166. As used in this article,*
40 *“commercial computer technician” means a person who works*

1 *for a company that is in the business of repairing, installing, or*
2 *otherwise servicing a computer or computer component, including,*
3 *but not limited to, a computer part, device, memory storage or*
4 *recording mechanism, auxiliary storage recording or memory*
5 *capacity, or any other material relating to the operation and*
6 *maintenance of a computer or computer network system, for a fee.*
7 *An employer who provides an electronic communications service*
8 *or a remote computing service to the public shall be deemed to*
9 *comply with this article if that employer complies with Section*
10 *2258A of Title 18 of the United States Code.*

11 *(B) An employer of a commercial computer technician may*
12 *implement internal procedures for facilitating reporting consistent*
13 *with this article. These procedures may direct employees who are*
14 *mandated reporters under this paragraph to report materials*
15 *described in subdivision (e) of Section 11166 to an employee who*
16 *is designated by the employer to receive the reports. An employee*
17 *who is designated to receive reports under this subparagraph shall*
18 *be a commercial computer technician for purposes of this article.*
19 *A commercial computer technician who makes a report to the*
20 *designated employee pursuant to this subparagraph shall be*
21 *deemed to have complied with the requirements of this article and*
22 *shall be subject to the protections afforded to mandated reporters,*
23 *including, but not limited to, those protections afforded by Section*
24 *11172.*

25 *(43) Any athletic coach, including, but not limited to, an*
26 *assistant coach or a graduate assistant involved in coaching, at*
27 *public or private postsecondary institutions.*

28 *(b) Except as provided in paragraph (35) of subdivision (a),*
29 *volunteers of public or private organizations whose duties require*
30 *direct contact with and supervision of children are not mandated*
31 *reporters but are encouraged to obtain training in the identification*
32 *and reporting of child abuse and neglect and are further encouraged*
33 *to report known or suspected instances of child abuse or neglect*
34 *to an agency specified in Section 11165.9.*

35 *(c) Employers are strongly encouraged to provide their*
36 *employees who are mandated reporters with training in the duties*
37 *imposed by this article. This training shall include training in child*
38 *abuse and neglect identification and training in child abuse and*
39 *neglect reporting. Whether or not employers provide their*
40 *employees with training in child abuse and neglect identification*

1 and reporting, the employers shall provide their employees who
2 are mandated reporters with the statement required pursuant to
3 subdivision (a) of Section 11166.5.

4 (d) School districts that do not train their employees specified
5 in subdivision (a) in the duties of mandated reporters under the
6 child abuse reporting laws shall report to the State Department of
7 Education the reasons why this training is not provided.

8 (e) Unless otherwise specifically provided, the absence of
9 training shall not excuse a mandated reporter from the duties
10 imposed by this article.

11 (f) Public and private organizations are encouraged to provide
12 their volunteers whose duties require direct contact with and
13 supervision of children with training in the identification and
14 reporting of child abuse and neglect.

15 *SEC. 1.12. Section 11165.7 of the Penal Code is amended to*
16 *read:*

17 11165.7. (a) As used in this article, “mandated reporter” is
18 defined as any of the following:

- 19 (1) A teacher.
- 20 (2) An instructional aide.
- 21 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
22 public or private school.
- 23 (4) A classified employee of ~~any a~~ public school.
- 24 (5) An administrative officer or supervisor of child welfare and
25 attendance, or a certificated pupil personnel employee of ~~any a~~
26 public or private school.
- 27 (6) An administrator of a public or private day camp.
- 28 (7) An administrator or employee of a public or private youth
29 center, youth recreation program, or youth organization.
- 30 (8) An administrator or employee of a public or private
31 organization whose duties require direct contact and supervision
32 of children.
- 33 (9) ~~Any~~ An employee of a county office of education or the
34 State Department of Education; whose duties bring the employee
35 into contact with children on a regular basis.
- 36 (10) A licensee, an administrator, or an employee of a licensed
37 community care or child day care facility.
- 38 (11) A Head Start program teacher.
- 39 (12) A licensing worker or licensing evaluator employed by a
40 licensing agency, as defined in Section 11165.11.

- 1 (13) A public assistance worker.
- 2 (14) An employee of a child care institution, including, but not
3 limited to, foster parents, group home personnel, and personnel of
4 residential care facilities.
- 5 (15) A social worker, probation officer, or parole officer.
- 6 (16) An employee of a school district police or security
7 department.
- 8 (17) ~~Any~~A person who is an administrator or presenter of, or
9 a counselor in, a child abuse prevention program in ~~any~~ a public
10 or private school.
- 11 (18) A district attorney investigator, inspector, or local child
12 support agency caseworker, unless the investigator, inspector, or
13 caseworker is working with an attorney appointed pursuant to
14 Section 317 of the Welfare and Institutions Code to represent a
15 minor.
- 16 (19) A peace officer, as defined in Chapter 4.5 (commencing
17 with Section 830) of Title 3 of Part 2, who is not otherwise
18 described in this section.
- 19 (20) A firefighter, except for volunteer firefighters.
- 20 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
21 resident, intern, podiatrist, chiropractor, licensed nurse, dental
22 hygienist, optometrist, marriage and family therapist, clinical social
23 worker, professional clinical counselor, or any other person who
24 is currently licensed under Division 2 (commencing with Section
25 500) of the Business and Professions Code.
- 26 (22) ~~Any~~An emergency medical technician I or II, paramedic,
27 or other person certified pursuant to Division 2.5 (commencing
28 with Section 1797) of the Health and Safety Code.
- 29 (23) A psychological assistant registered pursuant to Section
30 2913 of the Business and Professions Code.
- 31 (24) A marriage and family therapist trainee, as defined in
32 subdivision (c) of Section 4980.03 of the Business and Professions
33 Code.
- 34 (25) An unlicensed marriage and family therapist intern
35 registered under Section 4980.44 of the Business and Professions
36 Code.
- 37 (26) A state or county public health employee who treats a minor
38 for venereal disease or any other condition.
- 39 (27) A coroner.

1 (28) A medical examiner; or ~~any~~ other person who performs
2 autopsies.

3 (29) A commercial film and photographic print ~~processor~~, or
4 *image processor* as specified in subdivision (e) of Section 11166.
5 As used in this article, “commercial film and photographic print
6 *or image processor*” means ~~any~~ a person who develops exposed
7 photographic film into negatives, slides, or prints, or who makes
8 prints from negatives or slides, *or who prepares, publishes,*
9 *produces, develops, duplicates, or prints any representation of*
10 *information, data, or an image, including, but not limited to, any*
11 *film, filmstrip, photograph, negative, slide, photocopy, videotape,*
12 *video laser disk, computer hardware, computer software, computer*
13 *floppy disk, data storage medium, CD-ROM, computer-generated*
14 *equipment, or computer-generated image*, for compensation. The
15 term includes any employee of ~~such a~~ that person; it does not
16 include a person who develops film or makes prints *or images* for
17 a public agency.

18 (30) A child visitation monitor. As used in this article, “child
19 visitation monitor” means ~~any~~ a person who, for financial
20 compensation, acts as a monitor of a visit between a child and ~~any~~
21 ~~other~~ another person when the monitoring of that visit has been
22 ordered by a court of law.

23 (31) An animal control officer or humane society officer. For
24 the purposes of this article, the following terms have the following
25 meanings:

26 (A) “Animal control officer” means ~~any~~ a person employed by
27 a city, county, or city and county for the purpose of enforcing
28 animal control laws or regulations.

29 (B) “Humane society officer” means ~~any~~ a person appointed or
30 employed by a public or private entity as a humane officer who is
31 qualified pursuant to Section 14502 or 14503 of the Corporations
32 Code.

33 (32) A clergy member, as specified in subdivision (d) of Section
34 11166. As used in this article, “clergy member” means a priest,
35 minister, rabbi, religious practitioner, or similar functionary of a
36 church, temple, or recognized denomination or organization.

37 (33) Any custodian of records of a clergy member, as specified
38 in this section and subdivision (d) of Section 11166.

1 (34) ~~Any~~ An employee of any police department, county sheriff's
2 department, county probation department, or county welfare
3 department.

4 (35) An employee or volunteer of a Court Appointed Special
5 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
6 Rules of Court.

7 (36) A custodial officer, as defined in Section 831.5.

8 (37) ~~Any~~ A person providing services to a minor child under
9 Section 12300 or 12300.1 of the Welfare and Institutions Code.

10 (38) An alcohol and drug counselor. As used in this article, an
11 "alcohol and drug counselor" is a person providing counseling,
12 therapy, or other clinical services for a state licensed or certified
13 drug, alcohol, or drug and alcohol treatment program. However,
14 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
15 and of itself, a sufficient basis for reporting child abuse or neglect.

16 (39) A clinical counselor trainee, as defined in subdivision (g)
17 of Section 4999.12 of the Business and Professions Code.

18 (40) A clinical counselor intern registered under Section 4999.42
19 of the Business and Professions Code.

20 (41) *An employee or administrator of a public or private*
21 *postsecondary institution, whose duties bring the administrator*
22 *or employee into contact with children on a regular basis, or who*
23 *supervises those whose duties bring the administrator or employee*
24 *into contact with children on a regular basis, as to child abuse or*
25 *neglect occurring on that institution's premises or at an official*
26 *activity of, or program conducted by, the institution. Nothing in*
27 *this paragraph shall be construed as altering the lawyer-client*
28 *privilege as set forth in Article 3 (commencing with Section 950)*
29 *of Chapter 4 of Division 8 of the Evidence Code.*

30 (42) *An athletic coach, athletic administrator, or athletic*
31 *director employed by any public or private school that provides*
32 *any combination of instruction for kindergarten, or grades 1 to*
33 *12, inclusive.*

34 (43) *Any athletic coach, including, but not limited to, an*
35 *assistant coach or a graduate assistant involved in coaching, at*
36 *public or private postsecondary institutions.*

37 (b) Except as provided in paragraph (35) of subdivision (a),
38 volunteers of public or private organizations whose duties require
39 direct contact with and supervision of children are not mandated
40 reporters but are encouraged to obtain training in the identification

1 and reporting of child abuse and neglect and are further encouraged
2 to report known or suspected instances of child abuse or neglect
3 to an agency specified in Section 11165.9.

4 (c) Employers are strongly encouraged to provide their
5 employees who are mandated reporters with training in the duties
6 imposed by this article. This training shall include training in child
7 abuse and neglect identification and training in child abuse and
8 neglect reporting. Whether or not employers provide their
9 employees with training in child abuse and neglect identification
10 and reporting, the employers shall provide their employees who
11 are mandated reporters with the statement required pursuant to
12 subdivision (a) of Section 11166.5.

13 (d) School districts that do not train their employees specified
14 in subdivision (a) in the duties of mandated reporters under the
15 child abuse reporting laws shall report to the State Department of
16 Education the reasons why this training is not provided.

17 (e) Unless otherwise specifically provided, the absence of
18 training shall not excuse a mandated reporter from the duties
19 imposed by this article.

20 (f) Public and private organizations are encouraged to provide
21 their volunteers whose duties require direct contact with and
22 supervision of children with training in the identification and
23 reporting of child abuse and neglect.

24 *SEC. 1.13. Section 11165.7 of the Penal Code is amended to*
25 *read:*

26 11165.7. (a) As used in this article, “mandated reporter” is
27 defined as any of the following:

- 28 (1) A teacher.
- 29 (2) An instructional aide.
- 30 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
31 public or private school.
- 32 (4) A classified employee of ~~any a~~ public school.
- 33 (5) An administrative officer or supervisor of child welfare and
34 attendance, or a certificated pupil personnel employee of ~~any a~~
35 public or private school.
- 36 (6) An administrator of a public or private day camp.
- 37 (7) An administrator or employee of a public or private youth
38 center, youth recreation program, or youth organization.

- 1 (8) An administrator or employee of a public or private
2 organization whose duties require direct contact and supervision
3 of children.
- 4 (9) ~~Any~~ An employee of a county office of education or the
5 State Department of Education, whose duties bring the employee
6 into contact with children on a regular basis.
- 7 (10) A licensee, an administrator, or an employee of a licensed
8 community care or child day care facility.
- 9 (11) A Head Start program teacher.
- 10 (12) A licensing worker or licensing evaluator employed by a
11 licensing agency, as defined in Section 11165.11.
- 12 (13) A public assistance worker.
- 13 (14) An employee of a child care institution, including, but not
14 limited to, foster parents, group home personnel, and personnel of
15 residential care facilities.
- 16 (15) A social worker, probation officer, or parole officer.
- 17 (16) An employee of a school district police or security
18 department.
- 19 (17) ~~Any~~ A person who is an administrator or presenter of, or
20 a counselor in, a child abuse prevention program in ~~any~~ a public
21 or private school.
- 22 (18) A district attorney investigator, inspector, or local child
23 support agency caseworker, unless the investigator, inspector, or
24 caseworker is working with an attorney appointed pursuant to
25 Section 317 of the Welfare and Institutions Code to represent a
26 minor.
- 27 (19) A peace officer, as defined in Chapter 4.5 (commencing
28 with Section 830) of Title 3 of Part 2, who is not otherwise
29 described in this section.
- 30 (20) A firefighter, except for volunteer firefighters.
- 31 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
32 resident, intern, podiatrist, chiropractor, licensed nurse, dental
33 hygienist, optometrist, marriage and family therapist, clinical social
34 worker, professional clinical counselor, or any other person who
35 is currently licensed under Division 2 (commencing with Section
36 500) of the Business and Professions Code.
- 37 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
38 or other person certified pursuant to Division 2.5 (commencing
39 with Section 1797) of the Health and Safety Code.

1 (23) A psychological assistant registered pursuant to Section
2 2913 of the Business and Professions Code.

3 (24) A marriage and family therapist trainee, as defined in
4 subdivision (c) of Section 4980.03 of the Business and Professions
5 Code.

6 (25) An unlicensed marriage and family therapist intern
7 registered under Section 4980.44 of the Business and Professions
8 Code.

9 (26) A state or county public health employee who treats a minor
10 for venereal disease or any other condition.

11 (27) A coroner.

12 (28) A medical examiner; or ~~any~~ other person who performs
13 autopsies.

14 (29) A commercial film and photographic print processor; as
15 specified in subdivision (e) of Section 11166. As used in this
16 article, “commercial film and photographic print processor” means
17 ~~any~~ a person who develops exposed photographic film into
18 negatives, slides, or prints, or who makes prints from negatives or
19 slides, for compensation. The term includes any employee of ~~such~~
20 a *that* person; it does not include a person who develops film or
21 makes prints for a public agency.

22 (30) A child visitation monitor. As used in this article, “child
23 visitation monitor” means ~~any~~ a person who, for financial
24 compensation, acts as a monitor of a visit between a child and ~~any~~
25 ~~other~~ *another* person when the monitoring of that visit has been
26 ordered by a court of law.

27 (31) An animal control officer or humane society officer. For
28 the purposes of this article, the following terms have the following
29 meanings:

30 (A) “Animal control officer” means ~~any~~ a person employed by
31 a city, county, or city and county for the purpose of enforcing
32 animal control laws or regulations.

33 (B) “Humane society officer” means ~~any~~ a person appointed or
34 employed by a public or private entity as a humane officer who is
35 qualified pursuant to Section 14502 or 14503 of the Corporations
36 Code.

37 (32) A clergy member, as specified in subdivision (d) of Section
38 11166. As used in this article, “clergy member” means a priest,
39 minister, rabbi, religious practitioner, or similar functionary of a
40 church, temple, or recognized denomination or organization.

1 (33) Any custodian of records of a clergy member, as specified
2 in this section and subdivision (d) of Section 11166.

3 (34) ~~Any~~ An employee of any police department, county sheriff's
4 department, county probation department, or county welfare
5 department.

6 (35) An employee or volunteer of a Court Appointed Special
7 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
8 Rules of Court.

9 (36) A custodial officer, as defined in Section 831.5.

10 (37) ~~Any~~ A person providing services to a minor child under
11 Section 12300 or 12300.1 of the Welfare and Institutions Code.

12 (38) An alcohol and drug counselor. As used in this article, an
13 "alcohol and drug counselor" is a person providing counseling,
14 therapy, or other clinical services for a state licensed or certified
15 drug, alcohol, or drug and alcohol treatment program. However,
16 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
17 and of itself, a sufficient basis for reporting child abuse or neglect.

18 (39) A clinical counselor trainee, as defined in subdivision (g)
19 of Section 4999.12 of the Business and Professions Code.

20 (40) A clinical counselor intern registered under Section 4999.42
21 of the Business and Professions Code.

22 (41) *An employee or administrator of a public or private*
23 *postsecondary institution, whose duties bring the administrator*
24 *or employee into contact with children on a regular basis, or who*
25 *supervises those whose duties bring the administrator or employee*
26 *into contact with children on a regular basis, as to child abuse or*
27 *neglect occurring on that institution's premises or at an official*
28 *activity of, or program conducted by, the institution. Nothing in*
29 *this paragraph shall be construed as altering the lawyer-client*
30 *privilege as set forth in Article 3 (commencing with Section 950)*
31 *of Chapter 4 of Division 8 of the Evidence Code.*

32 (42) *An athletic coach, athletic administrator, or athletic*
33 *director employed by any public or private school that provides*
34 *any combination of instruction for kindergarten, or grades 1 to*
35 *12, inclusive.*

36 (43) (A) *A commercial computer technician as specified in*
37 *subdivision (e) of Section 11166. As used in this article,*
38 *"commercial computer technician" means a person who works*
39 *for a company that is in the business of repairing, installing, or*
40 *otherwise servicing a computer or computer component, including,*

1 *but not limited to, a computer part, device, memory storage or*
 2 *recording mechanism, auxiliary storage recording or memory*
 3 *capacity, or any other material relating to the operation and*
 4 *maintenance of a computer or computer network system, for a fee.*
 5 *An employer who provides an electronic communications service*
 6 *or a remote computing service to the public shall be deemed to*
 7 *comply with this article if that employer complies with Section*
 8 *2258A of Title 18 of the United States Code.*

9 (B) *An employer of a commercial computer technician may*
 10 *implement internal procedures for facilitating reporting consistent*
 11 *with this article. These procedures may direct employees who are*
 12 *mandated reporters under this paragraph to report materials*
 13 *described in subdivision (e) of Section 11166 to an employee who*
 14 *is designated by the employer to receive the reports. An employee*
 15 *who is designated to receive reports under this subparagraph shall*
 16 *be a commercial computer technician for purposes of this article.*
 17 *A commercial computer technician who makes a report to the*
 18 *designated employee pursuant to this subparagraph shall be*
 19 *deemed to have complied with the requirements of this article and*
 20 *shall be subject to the protections afforded to mandated reporters,*
 21 *including, but not limited to, those protections afforded by Section*
 22 *11172.*

23 (44) *Any athletic coach, including, but not limited to, an*
 24 *assistant coach or a graduate assistant involved in coaching, at*
 25 *public or private postsecondary institutions.*

26 (b) *Except as provided in paragraph (35) of subdivision (a),*
 27 *volunteers of public or private organizations whose duties require*
 28 *direct contact with and supervision of children are not mandated*
 29 *reporters but are encouraged to obtain training in the identification*
 30 *and reporting of child abuse and neglect and are further encouraged*
 31 *to report known or suspected instances of child abuse or neglect*
 32 *to an agency specified in Section 11165.9.*

33 (c) *Employers are strongly encouraged to provide their*
 34 *employees who are mandated reporters with training in the duties*
 35 *imposed by this article. This training shall include training in child*
 36 *abuse and neglect identification and training in child abuse and*
 37 *neglect reporting. Whether or not employers provide their*
 38 *employees with training in child abuse and neglect identification*
 39 *and reporting, the employers shall provide their employees who*

1 are mandated reporters with the statement required pursuant to
2 subdivision (a) of Section 11166.5.

3 (d) School districts that do not train their employees specified
4 in subdivision (a) in the duties of mandated reporters under the
5 child abuse reporting laws shall report to the State Department of
6 Education the reasons why this training is not provided.

7 (e) Unless otherwise specifically provided, the absence of
8 training shall not excuse a mandated reporter from the duties
9 imposed by this article.

10 (f) Public and private organizations are encouraged to provide
11 their volunteers whose duties require direct contact with and
12 supervision of children with training in the identification and
13 reporting of child abuse and neglect.

14 *SEC. 1.14. Section 11165.7 of the Penal Code is amended to*
15 *read:*

16 11165.7. (a) As used in this article, “mandated reporter” is
17 defined as any of the following:

18 (1) A teacher.

19 (2) An instructional aide.

20 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
21 public or private school.

22 (4) A classified employee of ~~any a~~ public school.

23 (5) An administrative officer or supervisor of child welfare and
24 attendance, or a certificated pupil personnel employee of ~~any a~~
25 public or private school.

26 (6) An administrator of a public or private day camp.

27 (7) An administrator or employee of a public or private youth
28 center, youth recreation program, or youth organization.

29 (8) An administrator or employee of a public or private
30 organization whose duties require direct contact and supervision
31 of children.

32 (9) ~~Any~~ An employee of a county office of education or the
33 State Department of Education; whose duties bring the employee
34 into contact with children on a regular basis.

35 (10) A licensee, an administrator, or an employee of a licensed
36 community care or child day care facility.

37 (11) A Head Start program teacher.

38 (12) A licensing worker or licensing evaluator employed by a
39 licensing agency, as defined in Section 11165.11.

40 (13) A public assistance worker.

- 1 (14) An employee of a child care institution, including, but not
2 limited to, foster parents, group home personnel, and personnel of
3 residential care facilities.
- 4 (15) A social worker, probation officer, or parole officer.
- 5 (16) An employee of a school district police or security
6 department.
- 7 (17) ~~Any~~A person who is an administrator or presenter of, or
8 a counselor in, a child abuse prevention program in ~~any~~ a public
9 or private school.
- 10 (18) A district attorney investigator, inspector, or local child
11 support agency caseworker, unless the investigator, inspector, or
12 caseworker is working with an attorney appointed pursuant to
13 Section 317 of the Welfare and Institutions Code to represent a
14 minor.
- 15 (19) A peace officer, as defined in Chapter 4.5 (commencing
16 with Section 830) of Title 3 of Part 2, who is not otherwise
17 described in this section.
- 18 (20) A firefighter, except for volunteer firefighters.
- 19 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
20 resident, intern, podiatrist, chiropractor, licensed nurse, dental
21 hygienist, optometrist, marriage and family therapist, clinical social
22 worker, professional clinical counselor, or any other person who
23 is currently licensed under Division 2 (commencing with Section
24 500) of the Business and Professions Code.
- 25 (22) ~~Any~~An emergency medical technician I or II, paramedic,
26 or other person certified pursuant to Division 2.5 (commencing
27 with Section 1797) of the Health and Safety Code.
- 28 (23) A psychological assistant registered pursuant to Section
29 2913 of the Business and Professions Code.
- 30 (24) A marriage and family therapist trainee, as defined in
31 subdivision (c) of Section 4980.03 of the Business and Professions
32 Code.
- 33 (25) An unlicensed marriage and family therapist intern
34 registered under Section 4980.44 of the Business and Professions
35 Code.
- 36 (26) A state or county public health employee who treats a minor
37 for venereal disease or any other condition.
- 38 (27) A coroner.
- 39 (28) A medical examiner; or ~~any~~ other person who performs
40 autopsies.

1 (29) A commercial film and photographic print-processor, or
2 *image processor* as specified in subdivision (e) of Section 11166.
3 As used in this article, “commercial film and photographic print
4 *or image processor*” means ~~any~~ a person who develops exposed
5 photographic film into negatives, slides, or prints, or who makes
6 prints from negatives or slides, *or who prepares, publishes,*
7 *produces, develops, duplicates, or prints any representation of*
8 *information, data, or an image, including, but not limited to, any*
9 *film, filmstrip, photograph, negative, slide, photocopy, videotape,*
10 *video laser disk, computer hardware, computer software, computer*
11 *floppy disk, data storage medium, CD-ROM, computer-generated*
12 *equipment, or computer-generated image, for compensation. The*
13 term includes any employee of ~~such a~~ that person; it does not
14 include a person who develops film or makes prints *or images* for
15 a public agency.

16 (30) A child visitation monitor. As used in this article, “child
17 visitation monitor” means ~~any~~ a person who, for financial
18 compensation, acts as a monitor of a visit between a child and ~~any~~
19 ~~other~~ another person when the monitoring of that visit has been
20 ordered by a court of law.

21 (31) An animal control officer or humane society officer. For
22 the purposes of this article, the following terms have the following
23 meanings:

24 (A) “Animal control officer” means ~~any~~ a person employed by
25 a city, county, or city and county for the purpose of enforcing
26 animal control laws or regulations.

27 (B) “Humane society officer” means ~~any~~ a person appointed or
28 employed by a public or private entity as a humane officer who is
29 qualified pursuant to Section 14502 or 14503 of the Corporations
30 Code.

31 (32) A clergy member, as specified in subdivision (d) of Section
32 11166. As used in this article, “clergy member” means a priest,
33 minister, rabbi, religious practitioner, or similar functionary of a
34 church, temple, or recognized denomination or organization.

35 (33) Any custodian of records of a clergy member, as specified
36 in this section and subdivision (d) of Section 11166.

37 (34) ~~Any~~ An employee of any police department, county sheriff’s
38 department, county probation department, or county welfare
39 department.

1 (35) An employee or volunteer of a Court Appointed Special
2 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
3 Rules of Court.

4 (36) A custodial officer, as defined in Section 831.5.

5 (37) ~~Any~~ A person providing services to a minor child under
6 Section 12300 or 12300.1 of the Welfare and Institutions Code.

7 (38) An alcohol and drug counselor. As used in this article, an
8 “alcohol and drug counselor” is a person providing counseling,
9 therapy, or other clinical services for a state licensed or certified
10 drug, alcohol, or drug and alcohol treatment program. However,
11 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
12 and of itself, a sufficient basis for reporting child abuse or neglect.

13 (39) A clinical counselor trainee, as defined in subdivision (g)
14 of Section 4999.12 of the Business and Professions Code.

15 (40) A clinical counselor intern registered under Section 4999.42
16 of the Business and Professions Code.

17 (41) *An athletic coach, athletic administrator, or athletic*
18 *director employed by any public or private school that provides*
19 *any combination of instruction for kindergarten, or grades 1 to*
20 *12, inclusive.*

21 (42) (A) *A commercial computer technician as specified in*
22 *subdivision (e) of Section 11166. As used in this article,*
23 *“commercial computer technician” means a person who works*
24 *for a company that is in the business of repairing, installing, or*
25 *otherwise servicing a computer or computer component, including,*
26 *but not limited to, a computer part, device, memory storage or*
27 *recording mechanism, auxiliary storage recording or memory*
28 *capacity, or any other material relating to the operation and*
29 *maintenance of a computer or computer network system, for a fee.*
30 *An employer who provides an electronic communications service*
31 *or a remote computing service to the public shall be deemed to*
32 *comply with this article if that employer complies with Section*
33 *2258A of Title 18 of the United States Code.*

34 (B) *An employer of a commercial computer technician may*
35 *implement internal procedures for facilitating reporting consistent*
36 *with this article. These procedures may direct employees who are*
37 *mandated reporters under this paragraph to report materials*
38 *described in subdivision (e) of Section 11166 to an employee who*
39 *is designated by the employer to receive the reports. An employee*
40 *who is designated to receive reports under this subparagraph shall*

1 *be a commercial computer technician for purposes of this article.*
2 *A commercial computer technician who makes a report to the*
3 *designated employee pursuant to this subparagraph shall be*
4 *deemed to have complied with the requirements of this article and*
5 *shall be subject to the protections afforded to mandated reporters,*
6 *including, but not limited to, those protections afforded by Section*
7 *11172.*

8 *(43) Any athletic coach, including, but not limited to, an*
9 *assistant coach or a graduate assistant involved in coaching, at*
10 *public or private postsecondary institutions.*

11 (b) Except as provided in paragraph (35) of subdivision (a),
12 volunteers of public or private organizations whose duties require
13 direct contact with and supervision of children are not mandated
14 reporters but are encouraged to obtain training in the identification
15 and reporting of child abuse and neglect and are further encouraged
16 to report known or suspected instances of child abuse or neglect
17 to an agency specified in Section 11165.9.

18 (c) Employers are strongly encouraged to provide their
19 employees who are mandated reporters with training in the duties
20 imposed by this article. This training shall include training in child
21 abuse and neglect identification and training in child abuse and
22 neglect reporting. Whether or not employers provide their
23 employees with training in child abuse and neglect identification
24 and reporting, the employers shall provide their employees who
25 are mandated reporters with the statement required pursuant to
26 subdivision (a) of Section 11166.5.

27 (d) School districts that do not train their employees specified
28 in subdivision (a) in the duties of mandated reporters under the
29 child abuse reporting laws shall report to the State Department of
30 Education the reasons why this training is not provided.

31 (e) Unless otherwise specifically provided, the absence of
32 training shall not excuse a mandated reporter from the duties
33 imposed by this article.

34 (f) Public and private organizations are encouraged to provide
35 their volunteers whose duties require direct contact with and
36 supervision of children with training in the identification and
37 reporting of child abuse and neglect.

38 *SEC. 1.15. Section 11165.7 of the Penal Code is amended to*
39 *read:*

- 1 11165.7. (a) As used in this article, “mandated reporter” is
2 defined as any of the following:
- 3 (1) A teacher.
 - 4 (2) An instructional aide.
 - 5 (3) A teacher’s aide or teacher’s assistant employed by ~~any a~~
6 public or private school.
 - 7 (4) A classified employee of ~~any a~~ public school.
 - 8 (5) An administrative officer or supervisor of child welfare and
9 attendance, or a certificated pupil personnel employee of ~~any a~~
10 public or private school.
 - 11 (6) An administrator of a public or private day camp.
 - 12 (7) An administrator or employee of a public or private youth
13 center, youth recreation program, or youth organization.
 - 14 (8) An administrator or employee of a public or private
15 organization whose duties require direct contact and supervision
16 of children.
 - 17 (9) ~~Any~~ An employee of a county office of education or the
18 State Department of Education, whose duties bring the employee
19 into contact with children on a regular basis.
 - 20 (10) A licensee, an administrator, or an employee of a licensed
21 community care or child day care facility.
 - 22 (11) A Head Start program teacher.
 - 23 (12) A licensing worker or licensing evaluator employed by a
24 licensing agency, as defined in Section 11165.11.
 - 25 (13) A public assistance worker.
 - 26 (14) An employee of a child care institution, including, but not
27 limited to, foster parents, group home personnel, and personnel of
28 residential care facilities.
 - 29 (15) A social worker, probation officer, or parole officer.
 - 30 (16) An employee of a school district police or security
31 department.
 - 32 (17) ~~Any~~ A person who is an administrator or presenter of, or
33 a counselor in, a child abuse prevention program in ~~any a~~ public
34 or private school.
 - 35 (18) A district attorney investigator, inspector, or local child
36 support agency caseworker, unless the investigator, inspector, or
37 caseworker is working with an attorney appointed pursuant to
38 Section 317 of the Welfare and Institutions Code to represent a
39 minor.

1 (19) A peace officer, as defined in Chapter 4.5 (commencing
2 with Section 830) of Title 3 of Part 2, who is not otherwise
3 described in this section.

4 (20) A firefighter, except for volunteer firefighters.

5 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
6 resident, intern, podiatrist, chiropractor, licensed nurse, dental
7 hygienist, optometrist, marriage and family therapist, clinical social
8 worker, professional clinical counselor, or any other person who
9 is currently licensed under Division 2 (commencing with Section
10 500) of the Business and Professions Code.

11 (22) ~~Any~~ An emergency medical technician I or II, paramedic,
12 or other person certified pursuant to Division 2.5 (commencing
13 with Section 1797) of the Health and Safety Code.

14 (23) A psychological assistant registered pursuant to Section
15 2913 of the Business and Professions Code.

16 (24) A marriage and family therapist trainee, as defined in
17 subdivision (c) of Section 4980.03 of the Business and Professions
18 Code.

19 (25) An unlicensed marriage and family therapist intern
20 registered under Section 4980.44 of the Business and Professions
21 Code.

22 (26) A state or county public health employee who treats a minor
23 for venereal disease or any other condition.

24 (27) A coroner.

25 (28) A medical examiner; or ~~any~~ other person who performs
26 autopsies.

27 (29) A commercial film and photographic print ~~processor, or~~
28 *image processor* as specified in subdivision (e) of Section 11166.
29 As used in this article, “commercial film and photographic print
30 *or image processor*” means ~~any~~ a person who develops exposed
31 photographic film into negatives, slides, or prints, or who makes
32 prints from negatives or slides, *or who prepares, publishes,*
33 *produces, develops, duplicates, or prints any representation of*
34 *information, data, or an image, including, but not limited to, any*
35 *film, filmstrip, photograph, negative, slide, photocopy, videotape,*
36 *video laser disk, computer hardware, computer software, computer*
37 *floppy disk, data storage medium, CD-ROM, computer-generated*
38 *equipment, or computer-generated image, for compensation. The*
39 term includes any employee of ~~such a~~ that person; it does not

1 include a person who develops film or makes prints *or images* for
2 a public agency.

3 (30) A child visitation monitor. As used in this article, “child
4 visitation monitor” means ~~any~~ a person who, for financial
5 compensation, acts as a monitor of a visit between a child and ~~any~~
6 ~~other~~ another person when the monitoring of that visit has been
7 ordered by a court of law.

8 (31) An animal control officer or humane society officer. For
9 the purposes of this article, the following terms have the following
10 meanings:

11 (A) “Animal control officer” means ~~any~~ a person employed by
12 a city, county, or city and county for the purpose of enforcing
13 animal control laws or regulations.

14 (B) “Humane society officer” means ~~any~~ a person appointed or
15 employed by a public or private entity as a humane officer who is
16 qualified pursuant to Section 14502 or 14503 of the Corporations
17 Code.

18 (32) A clergy member, as specified in subdivision (d) of Section
19 11166. As used in this article, “clergy member” means a priest,
20 minister, rabbi, religious practitioner, or similar functionary of a
21 church, temple, or recognized denomination or organization.

22 (33) Any custodian of records of a clergy member, as specified
23 in this section and subdivision (d) of Section 11166.

24 (34) ~~Any~~ An employee of any police department, county sheriff’s
25 department, county probation department, or county welfare
26 department.

27 (35) An employee or volunteer of a Court Appointed Special
28 Advocate program, as defined in Rule ~~1424~~ 5.566 of the California
29 Rules of Court.

30 (36) A custodial officer, as defined in Section 831.5.

31 (37) ~~Any~~ A person providing services to a minor child under
32 Section 12300 or 12300.1 of the Welfare and Institutions Code.

33 (38) An alcohol and drug counselor. As used in this article, an
34 “alcohol and drug counselor” is a person providing counseling,
35 therapy, or other clinical services for a state licensed or certified
36 drug, alcohol, or drug and alcohol treatment program. However,
37 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
38 and of itself, a sufficient basis for reporting child abuse or neglect.

39 (39) A clinical counselor trainee, as defined in subdivision (g)
40 of Section 4999.12 of the Business and Professions Code.

1 (40) A clinical counselor intern registered under Section 4999.42
2 of the Business and Professions Code.

3 (41) *An employee or administrator of a public or private*
4 *postsecondary institution, whose duties bring the administrator*
5 *or employee into contact with children on a regular basis, or who*
6 *supervises those whose duties bring the administrator or employee*
7 *into contact with children on a regular basis, as to child abuse or*
8 *neglect occurring on that institution’s premises or at an official*
9 *activity of, or program conducted by, the institution. Nothing in*
10 *this paragraph shall be construed as altering the lawyer-client*
11 *privilege as set forth in Article 3 (commencing with Section 950)*
12 *of Chapter 4 of Division 8 of the Evidence Code.*

13 (42) *An athletic coach, athletic administrator, or athletic*
14 *director employed by any public or private school that provides*
15 *any combination of instruction for kindergarten, or grades 1 to*
16 *12, inclusive.*

17 (43) (A) *A commercial computer technician as specified in*
18 *subdivision (e) of Section 11166. As used in this article,*
19 *“commercial computer technician” means a person who works*
20 *for a company that is in the business of repairing, installing, or*
21 *otherwise servicing a computer or computer component, including,*
22 *but not limited to, a computer part, device, memory storage or*
23 *recording mechanism, auxiliary storage recording or memory*
24 *capacity, or any other material relating to the operation and*
25 *maintenance of a computer or computer network system, for a fee.*
26 *An employer who provides an electronic communications service*
27 *or a remote computing service to the public shall be deemed to*
28 *comply with this article if that employer complies with Section*
29 *2258A of Title 18 of the United States Code.*

30 (B) *An employer of a commercial computer technician may*
31 *implement internal procedures for facilitating reporting consistent*
32 *with this article. These procedures may direct employees who are*
33 *mandated reporters under this paragraph to report materials*
34 *described in subdivision (e) of Section 11166 to an employee who*
35 *is designated by the employer to receive the reports. An employee*
36 *who is designated to receive reports under this subparagraph shall*
37 *be a commercial computer technician for purposes of this article.*
38 *A commercial computer technician who makes a report to the*
39 *designated employee pursuant to this subparagraph shall be*
40 *deemed to have complied with the requirements of this article and*

1 *shall be subject to the protections afforded to mandated reporters,*
2 *including, but not limited to, those protections afforded by Section*
3 *11172.*

4 *(44) Any athletic coach, including, but not limited to, an*
5 *assistant coach or a graduate assistant involved in coaching, at*
6 *public or private postsecondary institutions.*

7 (b) Except as provided in paragraph (35) of subdivision (a),
8 volunteers of public or private organizations whose duties require
9 direct contact with and supervision of children are not mandated
10 reporters but are encouraged to obtain training in the identification
11 and reporting of child abuse and neglect and are further encouraged
12 to report known or suspected instances of child abuse or neglect
13 to an agency specified in Section 11165.9.

14 (c) Employers are strongly encouraged to provide their
15 employees who are mandated reporters with training in the duties
16 imposed by this article. This training shall include training in child
17 abuse and neglect identification and training in child abuse and
18 neglect reporting. Whether or not employers provide their
19 employees with training in child abuse and neglect identification
20 and reporting, the employers shall provide their employees who
21 are mandated reporters with the statement required pursuant to
22 subdivision (a) of Section 11166.5.

23 (d) School districts that do not train their employees specified
24 in subdivision (a) in the duties of mandated reporters under the
25 child abuse reporting laws shall report to the State Department of
26 Education the reasons why this training is not provided.

27 (e) Unless otherwise specifically provided, the absence of
28 training shall not excuse a mandated reporter from the duties
29 imposed by this article.

30 (f) Public and private organizations are encouraged to provide
31 their volunteers whose duties require direct contact with and
32 supervision of children with training in the identification and
33 reporting of child abuse and neglect.

34 SEC. 2. Section 11166.5 of the Penal Code is amended to read:
35 11166.5. (a) (1) On and after January 1, 1985, any mandated
36 reporter as specified in Section 11165.7, with the exception of
37 child visitation monitors, prior to commencing his or her
38 employment, and as a prerequisite to that employment, shall sign
39 a statement on a form provided to him or her by his or her employer
40 to the effect that he or she has knowledge of the provisions of

1 Section 11166 and will comply with those provisions. The
2 statement shall inform the employee that he or she is a mandated
3 reporter and inform the employee of his or her reporting obligations
4 under Section 11166 and of his or her confidentiality rights under
5 subdivision (d) of Section 11167. The employer shall provide a
6 copy of Sections 11165.7, 11166, and 11167 to the employee.

7 On and after January 1, 1993, any person who acts as a child
8 visitation monitor, as defined in paragraph (31) of subdivision (a)
9 of Section 11165.7, prior to engaging in monitoring the first visit
10 in a case, shall sign a statement on a form provided to him or her
11 by the court which ordered the presence of that third person during
12 the visit, to the effect that he or she has knowledge of the provisions
13 of Section 11166 and will comply with those provisions.

14 (2) The signed statements shall be retained by the employer or
15 the court, as the case may be. The cost of printing, distribution,
16 and filing of these statements shall be borne by the employer or
17 the court.

18 (3) This subdivision is not applicable to persons employed by
19 public or private youth centers, youth recreation programs, and
20 youth organizations as members of the support staff or maintenance
21 staff and who do not work with, observe, or have knowledge of
22 children as part of their official duties.

23 (b) On and after January 1, 1986, when a person is issued a state
24 license or certificate to engage in a profession or occupation, the
25 members of which are required to make a report pursuant to Section
26 11166, the state agency issuing the license or certificate shall send
27 a statement substantially similar to the one contained in subdivision
28 (a) to the person at the same time as it transmits the document
29 indicating licensure or certification to the person. In addition to
30 the requirements contained in subdivision (a), the statement also
31 shall indicate that failure to comply with the requirements of
32 Section 11166 is a misdemeanor, punishable by up to six months
33 in a county jail, by a fine of one thousand dollars (\$1,000), or by
34 both that imprisonment and fine.

35 (c) As an alternative to the procedure required by subdivision
36 (b), a state agency may cause the required statement to be printed
37 on all application forms for a license or certificate printed on or
38 after January 1, 1986.

39 (d) On and after January 1, 1993, any child visitation monitor,
40 as defined in paragraph (31) of subdivision (a) of Section 11165.7,

1 who desires to act in that capacity shall have received training in
2 the duties imposed by this article, including training in child abuse
3 identification and child abuse reporting. The person, prior to
4 engaging in monitoring the first visit in a case, shall sign a
5 statement on a form provided to him or her by the court which
6 ordered the presence of that third person during the visit, to the
7 effect that he or she has received this training. This statement may
8 be included in the statement required by subdivision (a) or it may
9 be a separate statement. This statement shall be filed, along with
10 the statement required by subdivision (a), in the court file of the
11 case for which the visitation monitoring is being provided.

12 (e) Any person providing services to a minor child, as described
13 in paragraph (38) of subdivision (a) of Section 11165.7, shall not
14 be required to make a report pursuant to Section 11166 unless that
15 person has received training, or instructional materials in the
16 appropriate language, on the duties imposed by this article,
17 including identifying and reporting child abuse and neglect.

18 SEC. 3. Section 355 of the Welfare and Institutions Code is
19 amended to read:

20 355. (a) At the jurisdictional hearing, the court shall first
21 consider only the question whether the minor is a person described
22 by Section 300. Any legally admissible evidence that is relevant
23 to the circumstances or acts that are alleged to bring the minor
24 within the jurisdiction of the juvenile court is admissible and may
25 be received in evidence. Proof by a preponderance of evidence
26 must be adduced to support a finding that the minor is a person
27 described by Section 300. Objections that could have been made
28 to evidence introduced shall be deemed to have been made by any
29 parent or guardian who is present at the hearing and unrepresented
30 by counsel, unless the court finds that the parent or guardian has
31 made a knowing and intelligent waiver of the right to counsel.
32 Objections that could have been made to evidence introduced shall
33 be deemed to have been made by any unrepresented child.

34 (b) A social study prepared by the petitioning agency, and
35 hearsay evidence contained in it, is admissible and constitutes
36 competent evidence upon which a finding of jurisdiction pursuant
37 to Section 300 may be based, to the extent allowed by subdivisions
38 (c) and (d).

39 (1) For the purposes of this section, “social study” means any
40 written report furnished to the juvenile court and to all parties or

1 their counsel by the county probation or welfare department in any
2 matter involving the custody, status, or welfare of a minor in a
3 dependency proceeding pursuant to Article 6 (commencing with
4 Section 300) to Article 12 (commencing with Section 385),
5 inclusive.

6 (2) The preparer of the social study shall be made available for
7 cross-examination upon a timely request by any party. The court
8 may deem the preparer available for cross-examination if it
9 determines that the preparer is on telephone standby and can be
10 present in court within a reasonable time of the request.

11 (3) The court may grant a reasonable continuance not to exceed
12 10 days upon request by any party if the social study is not
13 provided to the parties or their counsel within a reasonable time
14 before the hearing.

15 (c) (1) If any party to the jurisdictional hearing raises a timely
16 objection to the admission of specific hearsay evidence contained
17 in a social study, the specific hearsay evidence shall not be
18 sufficient by itself to support a jurisdictional finding or any ultimate
19 fact upon which a jurisdictional finding is based, unless the
20 petitioner establishes one or more of the following exceptions:

21 (A) The hearsay evidence would be admissible in any civil or
22 criminal proceeding under any statutory or decisional exception
23 to the prohibition against hearsay.

24 (B) The hearsay declarant is a minor under 12 years of age who
25 is the subject of the jurisdictional hearing. However, the hearsay
26 statement of a minor under 12 years of age shall not be admissible
27 if the objecting party establishes that the statement is unreliable
28 because it was the product of fraud, deceit, or undue influence.

29 (C) The hearsay declarant is a peace officer as defined by
30 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
31 of the Penal Code, a health practitioner described in paragraphs
32 (22) to (29), inclusive, of subdivision (a) of Section 11165.7 of
33 the Penal Code, a social worker licensed pursuant to Chapter 14
34 (commencing with Section 4991) of Division 2 of the Business
35 and Professions Code, or a teacher who holds a credential pursuant
36 to Chapter 2 (commencing with Section 44200) of Part 25 of
37 Division 3 of Title 2 of the Education Code. For the purpose of
38 this subdivision, evidence in a declaration is admissible only to
39 the extent that it would otherwise be admissible under this section
40 or if the declarant were present and testifying in court.

1 (D) The hearsay declarant is available for cross-examination.
2 For purposes of this section, the court may deem a witness available
3 for cross-examination if it determines that the witness is on
4 telephone standby and can be present in court within a reasonable
5 time of a request to examine the witness.

6 (2) For purposes of this subdivision, an objection is timely if it
7 identifies with reasonable specificity the disputed hearsay evidence
8 and it gives the petitioner a reasonable period of time to meet the
9 objection prior to a contested hearing.

10 (d) This section shall not be construed to limit the right of any
11 party to the jurisdictional hearing to subpoena a witness whose
12 statement is contained in the social study or to introduce admissible
13 evidence relevant to the weight of the hearsay evidence or the
14 credibility of the hearsay declarant.

15 *SEC. 4. (a) Section 1.1 of this bill incorporates amendments*
16 *to Section 11165.7 of the Penal Code that make all of the*
17 *substantive changes to that section proposed by both this bill and*
18 *Assembly Bill 1434. It shall only become operative if (1) both bills*
19 *are enacted and become effective on or before January 1, 2013,*
20 *(2) each bill amends Section 11165.7 of the Penal Code, (3)*
21 *Assembly Bill 1435, Assembly Bill 1713, and Assembly Bill 1817*
22 *are not enacted or as enacted do not amend that section, and (4)*
23 *this bill is enacted after Assembly Bill 1434, in which case Sections*
24 *1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14,*
25 *and 1.15, of this bill shall not become operative.*

26 *(b) Section 1.2 of this bill incorporates amendments to Section*
27 *11165.7 of the Penal Code that make all of the substantive changes*
28 *to that section proposed by both this bill and Assembly Bill 1713.*
29 *It shall only become operative if (1) both bills are enacted and*
30 *become effective on or after January 1, 2013, (2) each bill amends*
31 *Section 11165.7 of the Penal Code, (3) Assembly Bill 1434,*
32 *Assembly Bill 1435, and Assembly Bill 1817 are not enacted or as*
33 *enacted do not amend that section, and (4) this bill is enacted after*
34 *Assembly Bill 1713, in which case Sections 1, 1.1, 1.3, 1.4, 1.5,*
35 *1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, and 1.15, of this bill*
36 *shall not become operative.*

37 *(c) Section 1.3 of this bill incorporates amendments to Section*
38 *11165.7 of the Penal Code that make all of the substantive changes*
39 *to that section proposed by both this bill and Assembly Bill 1817.*
40 *It shall only become operative if (1) both bills are enacted and*

1 *become effective on or after January 1, 2013, (2) each bill amends*
2 *Section 11165.7 of the Penal Code, (3) Assembly Bill 1434,*
3 *Assembly Bill 1435, and Assembly Bill 1713 are not enacted or as*
4 *enacted do not amend that section, and (4) this bill is enacted after*
5 *Assembly Bill 1817, in which case Sections 1, 1.1, 1.2, 1.4, 1.5,*
6 *1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, and 1.15, of this bill*
7 *shall not become operative.*

8 *(d) Section 1.4 of this bill incorporates amendments to Section*
9 *11165.7 of the Penal Code that make all of the substantive changes*
10 *to that section proposed by both this bill and Assembly Bill 1435.*
11 *It shall only become operative if (1) both bills are enacted and*
12 *become effective on or after January 1, 2013, (2) each bill amends*
13 *Section 11165.7 of the Penal Code, (3) Assembly Bill 1434,*
14 *Assembly Bill 1713, and Assembly Bill 1817 are not enacted or as*
15 *enacted do not amend that section, and (4) this bill is enacted after*
16 *Assembly Bill 1435, in which case Sections 1, 1.1, 1.2, 1.3, 1.5,*
17 *1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, and 1.15, of this bill*
18 *shall not become operative.*

19 *(e) Section 1.5 of this bill incorporates amendments to Section*
20 *11165.7 of the Penal Code that make all of the substantive changes*
21 *to that section proposed by this bill, Assembly Bill 1434, and*
22 *Assembly Bill 1713. It shall only become operative if (1) all three*
23 *bills are enacted and become effective on or after January 1, 2013,*
24 *(2) each bill amends Section 11165.7 of the Penal Code, (3)*
25 *Assembly Bill 1435 and Assembly Bill 1817 are not enacted or as*
26 *enacted do not amend that section, and (4) this bill is enacted after*
27 *Assembly Bill 1434 and Assembly Bill 1713, in which case Sections*
28 *1, 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14,*
29 *and 1.15, of this bill shall not become operative.*

30 *(f) Section 1.6 of this bill incorporates amendments to Section*
31 *11165.7 of the Penal Code that make all of the substantive changes*
32 *to that section proposed by this bill, Assembly Bill 1434, and*
33 *Assembly Bill 1817. It shall only become operative if (1) all three*
34 *bills are enacted and become effective on or after January 1, 2013,*
35 *(2) each bill amends Section 11165.7 of the Penal Code, (3)*
36 *Assembly Bill 1435 and Assembly Bill 1713 are not enacted or as*
37 *enacted do not amend that section, and (4) this bill is enacted after*
38 *Assembly Bill 1434 and Assembly Bill 1817, in which case Sections*
39 *1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14,*
40 *and 1.15, of this bill shall not become operative.*

1 (g) Section 1.7 of this bill incorporates amendments to Section
2 11165.7 of the Penal Code that make all of the substantive changes
3 to that section proposed by this bill, Assembly Bill 1434, and
4 Assembly Bill 1435. It shall only become operative if (1) all three
5 bills are enacted and become effective on or after January 1, 2013,
6 (2) each bill amends Section 11165.7 of the Penal Code, (3)
7 Assembly Bill 1713 and Assembly Bill 1817 are not enacted or as
8 enacted do not amend that section, and (4) this bill is enacted after
9 Assembly Bill 1434 and Assembly Bill 1435, in which case Sections
10 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14,
11 and 1.15, of this bill shall not become operative.

12 (h) Section 1.8 of this bill incorporates amendments to Section
13 11165.7 of the Penal Code that make all of the substantive changes
14 to that section proposed by this bill, Assembly Bill 1713, and
15 Assembly Bill 1817. It shall only become operative if (1) all three
16 bills are enacted and become effective on or after January 1, 2013,
17 (2) each bill amends Section 11165.7 of the Penal Code, (3)
18 Assembly Bill 1434 and Assembly Bill 1435 are not enacted or as
19 enacted do not amend that section, and (4) this bill is enacted after
20 Assembly Bill 1713 and Assembly Bill 1817, in which case Sections
21 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14,
22 and 1.15, of this bill shall not become operative.

23 (i) Section 1.9 of this bill incorporates amendments to Section
24 11165.7 of the Penal Code that make all of the substantive changes
25 to that section proposed by this bill, Assembly Bill 1435, and
26 Assembly Bill 1713. It shall only become operative if (1) all three
27 bills are enacted and become effective on or after January 1, 2013,
28 (2) each bill amends Section 11165.7 of the Penal Code, (3)
29 Assembly Bill 1434 and Assembly Bill 1817 are not enacted or as
30 enacted do not amend that section, and (4) this bill is enacted after
31 Assembly Bill 1435 and Assembly Bill 1713, in which case Sections
32 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.10, 1.11, 1.12, 1.13, 1.14,
33 and 1.15, of this bill shall not become operative.

34 (j) Section 1.10 of this bill incorporates amendments to Section
35 11165.7 of the Penal Code that make all of the substantive changes
36 to that section proposed by this bill, Assembly Bill 1435, and
37 Assembly Bill 1817. It shall only become operative if (1) all three
38 bills are enacted and become effective on or after January 1, 2013,
39 (2) each bill amends Section 11165.7 of the Penal Code, (3)
40 Assembly Bill 1434 and Assembly Bill 1713 are not enacted or as

1 enacted do not amend that section, and (4) this bill is enacted after
2 Assembly Bill 1435 and Assembly Bill 1817, in which case Sections
3 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.11, 1.12, 1.13, 1.14,
4 and 1.15, of this bill shall not become operative.

5 (k) Section 1.11 of this bill incorporates amendments to Section
6 11165.7 of the Penal Code that make all of the substantive changes
7 to that section proposed by this bill, Assembly Bill 1434, Assembly
8 Bill 1713, and Assembly Bill 1817. It shall only become operative
9 if (1) all four bills are enacted and become effective on or after
10 January 1, 2013, (2) each bill amends Section 11165.7 of the Penal
11 Code, (3) Assembly Bill 1435 is not enacted or as enacted does
12 not amend that section, and (4) this bill is enacted after Assembly
13 Bill 1434, Assembly Bill 1713 and Assembly Bill 1817, in which
14 case Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.12,
15 1.13, 1.14, and 1.15, of this bill shall not become operative.

16 (l) Section 1.12 of this bill incorporates amendments to Section
17 11165.7 of the Penal Code that make all of the substantive changes
18 to that section proposed by this bill, Assembly Bill 1434, Assembly
19 Bill 1435, and Assembly Bill 1713. It shall only become operative
20 if (1) all four bills are enacted and become effective on or after
21 January 1, 2013, (2) each bill amends Section 11165.7 of the Penal
22 Code, (3) Assembly Bill 1817 is not enacted or as enacted does
23 not amend that section, and (4) this bill is enacted after Assembly
24 Bill 1434, Assembly Bill 1435, and Assembly Bill 1713, in which
25 case Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11,
26 1.13, 1.14, and 1.15, of this bill shall not become operative.

27 (m) Section 1.13 of this bill incorporates amendments to Section
28 11165.7 of the Penal Code that make all of the substantive changes
29 to that section proposed by this bill, Assembly Bill 1434, Assembly
30 Bill 1435, and Assembly Bill 1817. It shall only become operative
31 if (1) all four bills are enacted and become effective on or after
32 January 1, 2013, (2) each bill amends Section 11165.7 of the Penal
33 Code, (3) Assembly Bill 1713 is not enacted or as enacted does
34 not amend that section, and (4) this bill is enacted after Assembly
35 Bill 1434, Assembly Bill 1435, and Assembly Bill 1817, in which
36 case Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11,
37 1.12, 1.14, and 1.15, of this bill shall not become operative.

38 (n) Section 1.14 of this bill incorporates amendments to Section
39 11165.7 of the Penal Code that make all of the substantive changes
40 to that section proposed by this bill, Assembly Bill 1435, Assembly

1 *Bill 1713, and Assembly Bill 1817. It shall only become operative*
2 *if (1) all four bills are enacted and become effective on or after*
3 *January 1, 2013, (2) each bill amends Section 11165.7 of the Penal*
4 *Code, (3) Assembly Bill 1434 is not enacted or as enacted does*
5 *not amend that section, and (4) this bill is enacted after Assembly*
6 *Bill 1435, Assembly Bill 1713, and Assembly Bill 1817, in which*
7 *case Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11,*
8 *1.12, 1.13, and 1.15, of this bill shall not become operative.*

9 *(o) Section 1.15 of this bill incorporates amendments to Section*
10 *11165.7 of the Penal Code that make all of the substantive changes*
11 *to that section proposed by this bill, Assembly Bill 1434, Assembly*
12 *Bill 1435, Assembly Bill 1713, and Assembly Bill 1817. It shall*
13 *only become operative if (1) all five bills are enacted and become*
14 *effective on or after January 1, 2013, (2) each bill amends Section*
15 *11165.7 of the Penal Code, and (3) this bill is enacted last, in*
16 *which case Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10,*
17 *1.11, 1.12, 1.13, and 1.14, of this bill shall not become operative.*

18 *SEC. 5. Section 2 of this bill incorporates nonsubstantive*
19 *amendments to Section 11166.5 of the Penal Code based on Section*
20 *1 of this bill. Section 2 of this bill shall be operative only if Section*
21 *1 of this bill is operative.*

22 ~~SEC. 4.~~

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