

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1522

Introduced by Senator Leno

February 24, 2012

An act to amend ~~Section 13901 of the Government Code, relating to state claims.~~ *Section 4427.5 of the Welfare and Institutions Code, relating to developmental services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1522, as amended, Leno. ~~The California Victims Compensation and Government Claims Board.~~ *Developmental centers: reporting requirements.*

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services.

This bill would instead require a developmental center to immediately report a death, a sexual assault, an assault with a deadly weapon or force likely to produce great bodily injury, or an injury to the genitals or broken bone when the cause of injury is undetermined, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances relating to the incident. The bill would require the

developmental center to submit a written report of the incident within 2 working days of any telephone report to the law enforcement agency.

~~Existing law establishes the California Victim Compensation and Government Claims Board within the State and Consumer Services Agency. Existing law authorizes the board to award crime victims with compensation from the state Restitution Fund for the losses they suffer as a direct result of a crime.~~

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

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

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

1 *SECTION 1. Section 4427.5 of the Welfare and Institutions*
2 *Code is amended to read:*

3 4427.5. (a) (1) A developmental center shall immediately
4 ~~report all resident deaths and serious injuries of unknown origin~~
5 ~~to the appropriate local law enforcement agency, which may, at~~
6 ~~its discretion, conduct an independent investigation. the following~~
7 ~~incidents involving a resident to the local law enforcement agency~~
8 ~~having jurisdiction over the city or county in which the~~
9 ~~developmental center is located, regardless of whether the Office~~
10 ~~of Protective Services has investigated the facts and circumstances~~
11 ~~relating to the incident:~~

- 12 (A) A death.
- 13 (B) A sexual assault, as defined in Section 15610.63.
- 14 (C) An assault with a deadly weapon or force likely to produce
- 15 great bodily injury, as defined in Section 245 of the Penal Code.
- 16 (D) An injury to the genitals when the cause of the injury is
- 17 undetermined.
- 18 (E) A broken bone when the cause of the break is undetermined.

19 (2) *If the incident is reported to the law enforcement agency by*
20 *telephone, a written report of the incident shall also be submitted*
21 *to the agency, within two working days.*

22 ~~(2)~~
23 (3) *The reporting requirements of this subdivision are in addition*
24 *to, and do not substitute for, the reporting requirements of*
25 *mandated reporters, and any other reporting and investigative*

1 *duties of the developmental center and the department as required*
2 *by law.*

3 (b) The department shall do both of the following:

4 (1) Annually provide written information to every developmental
5 center employee regarding all of the following:

6 (A) The statutory and departmental requirements for mandatory
7 reporting of suspected or known abuse.

8 (B) The rights and protections afforded to individuals' reporting
9 of suspected or known abuse.

10 (C) The penalties for failure to report suspected or known abuse.

11 (D) The telephone numbers for reporting suspected or known
12 abuse or neglect to designated investigators of the department and
13 to local law enforcement agencies.

14 (2) On or before August 1, 2001, in consultation with employee
15 organizations, advocates, consumers, and family members, develop
16 a poster that encourages staff, residents, and visitors to report
17 suspected or known abuse and provides information on how to
18 make these reports.

19 ~~SECTION 1. Section 13901 of the Government Code is~~
20 ~~amended to read:~~

21 ~~13901. (a) There is within the State and Consumer Services~~
22 ~~Agency the California Victim Compensation and Government~~
23 ~~Claims Board.~~

24 ~~(b) The board consists of the Secretary of State and Consumer~~
25 ~~Services or his or her designee and the Controller, both acting ex~~
26 ~~officio, and a third member who shall be appointed by and serve~~
27 ~~at the pleasure of the Governor. The third member may be a state~~
28 ~~officer who shall act ex officio.~~

29 ~~(c) A reference in statute or regulation to the State Board of~~
30 ~~Control shall be construed to refer to the California Victim~~
31 ~~Compensation and Government Claims Board.~~