

AMENDED IN ASSEMBLY AUGUST 22, 2012

AMENDED IN ASSEMBLY JUNE 18, 2012

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1522

Introduced by Senator Leno

February 24, 2012

An act to amend Section 4427.5 of the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1522, as amended, Leno. 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 by a nonresident of the developmental center, an assault with force likely to produce great bodily injury, an injury to the genitals when the cause of

injury is undetermined, or a broken bone when the cause of the break 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 to the local law enforcement agency within 2 working days of any telephone report to that agency.

This bill would incorporate additional changes in Section 4427.5 of the Welfare and Institutions Code, proposed by Senate Bill 1051, to be operative only if Senate Bill 1051 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: 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 the following incidents involving a resident to the local law
- 5 enforcement agency having jurisdiction over the city or county in
- 6 which the developmental center is located, regardless of whether
- 7 the Office of Protective Services has investigated the facts and
- 8 circumstances relating to the incident:
- 9 (A) A death.
- 10 (B) A sexual assault, as defined in Section 15610.63.
- 11 (C) An assault with a deadly weapon, as described in Section
- 12 245 of the Penal Code, by a nonresident of the developmental
- 13 center.
- 14 (D) An assault with force likely to produce great bodily injury,
- 15 as described in Section 245 of the Penal Code.
- 16 (E) An injury to the genitals when the cause of the injury is
- 17 undetermined.
- 18 (F) A broken bone, when the cause of the break is undetermined.

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

4 (3) The reporting requirements of this subdivision are in addition
5 to, and do not substitute for, the reporting requirements of
6 mandated reporters, and any other reporting and investigative
7 duties of the developmental center and the department as required
8 by law.

9 (4) Nothing in this subdivision shall be interpreted to prevent
10 the developmental center from reporting any other criminal act
11 constituting a danger to the health or safety of the residents of the
12 developmental center to the local law enforcement agency.

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

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

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

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

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

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

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

29 *SEC. 1.5. Section 4427.5 of the Welfare and Institutions Code*
30 *is amended to read:*

31 4427.5. (a) (1) A developmental center shall immediately
32 ~~report all resident deaths and serious injuries of unknown origin~~
33 ~~to the appropriate~~ *the following incidents involving a resident to*
34 ~~the local law enforcement agency, which may, at its discretion,~~
35 ~~conduct an independent investigation.~~ *agency having jurisdiction*
36 *over the city or county in which the developmental center is*
37 *located, regardless of whether the Office of Protective Services*
38 *has investigated the facts and circumstances relating to the*
39 *incident:*

40 (A) A death.

1 (B) A sexual assault, as defined in Section 15610.63.

2 (C) An assault with a deadly weapon, as described in Section
3 245 of the Penal Code, by a nonresident of the developmental
4 center.

5 (D) An assault with force likely to produce great bodily injury,
6 as described in Section 245 of the Penal Code.

7 (E) An injury to the genitals when the cause of the injury is
8 undetermined.

9 (F) A broken bone, when the cause of the break is undetermined.

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

13 ~~(2)~~

14 (3) The reporting requirements of this subdivision are in addition
15 to, and do not substitute for, the reporting requirements of
16 mandated ~~reporters~~ reporters, and any other reporting and
17 investigative duties of the developmental center and the department
18 as required by law.

19 (4) Nothing in this subdivision shall be interpreted to prevent
20 the developmental center from reporting any other criminal act
21 constituting a danger to the health or safety of the residents of the
22 developmental center to the local law enforcement agency.

23 (b) (1) The department shall report to the agency described in
24 subdivision (i) of Section 4900 any of the following incidents
25 involving a resident of a developmental center:

26 (A) Any unexpected or suspicious death, regardless of whether
27 the cause is immediately known.

28 (B) Any allegation of sexual assault, as defined in Section
29 15610.63, in which the alleged perpetrator is a developmental
30 center or department employee or contractor.

31 (C) Any report made to the local law enforcement agency in the
32 jurisdiction in which the facility is located that involves physical
33 abuse, as defined in Section 15610.63, in which a staff member is
34 implicated.

35 (2) A report pursuant to this subdivision shall be made no later
36 than the close of the first business day following the discovery of
37 the reportable incident.

38 ~~(b)~~

39 (c) The department shall do both of the following:

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

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

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

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

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

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

16 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
17 *Section 4427.5 of the Welfare and Institutions Code proposed by*
18 *this bill and Senate Bill 1051. It shall only become operative if (1)*
19 *both bills are enacted and become effective on or before January*
20 *1, 2013, (2) each bill amends Section 4427.5 of the Welfare and*
21 *Institutions Code, and (3) this bill is enacted after SB 1051, in*
22 *which case Section 4427.5 of the Welfare Institutions Code, as*
23 *amended by SB 1051, shall remain operative only until the*
24 *operative date of this bill, at which time Section 1 of this bill shall*
25 *become operative, and Section 1.5 of this bill shall not become*
26 *operative.*

27 ~~SEC. 2.~~

28 *SEC. 3.* This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the Constitution and shall go into
31 immediate effect. The facts constituting the necessity are:

32 In order to ensure that the applicable investigative structure
33 adequately protects residents of developmental centers and other
34 vulnerable persons from harm at the earliest possible time, it is
35 necessary for this act to take effect immediately.