

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 602

Introduced by Assembly Member Yamada
(Coauthor: Assembly Member Gorell)

February 20, 2013

An act to add Section 13515.30 to the Penal Code, and to amend ~~Section~~ *Sections 4427.5 and 15630* of the Welfare and Institutions Code, relating to disabled persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 602, as amended, Yamada. Mentally and developmentally disabled persons: reporting ~~abuse: peace officer training~~ *abuse*.

Existing law requires the Commission on Peace Officer Standards and Training, in the Department of Justice, to establish and keep updated a continuing education classroom training course relating to law enforcement intervention with mentally disabled persons and requires the course to be developed in consultation with specified groups and entities. Existing law requires the commission to submit a report to the Legislature that contains specified information regarding this training.

This bill would require the commission to establish, by July 1, 2015, and keep updated a training course relating to law enforcement interaction with mentally disabled or developmentally disabled persons living within a state mental hospital or state developmental center, as specified. The training course would be required for law enforcement personnel in law enforcement agencies with jurisdiction over state

mental health hospitals and state developmental centers, as part of the agency's officer training program. By creating new duties for local officials, this bill would impose a state-mandated local program.

Existing law requires specified people, known as mandated reporters, to report cases of elder or dependent adult abuse, as defined. Existing law requires a report to be made to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, or to the local enforcement agency if the suspected or alleged abuse occurred in a state mental hospital or state developmental center. Existing law also requires mandated reporters in the State Department of Developmental Services to immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency. Failure to make a report as required by existing law is a misdemeanor.

This bill would instead require a report to be made to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, and also to the local enforcement agency, as specified, if the suspected or alleged abuse or neglect occurred in a state mental hospital or state developmental center and resulted in any specified incidents, including a death or a sexual assault. *By expanding the scope of an existing crime, the bill would impose a state-mandated local program.* This bill would also ~~require~~ *remove the requirement that* mandated reporters in the State Department of ~~State Hospitals to~~ *Developmental Services* immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency. ~~By expanding the scope of an existing crime, the bill would impose a state-mandated local program.~~

This bill would also require a local law enforcement agency to coordinate efforts with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services to provide a response to investigate reports received pursuant to specified provisions. By creating new duties for local officials, this bill would impose a state-mandated local program.

Existing law requires a developmental center to immediately report resident deaths and certain serious injuries, including a sexual assault, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located.

This bill would specify that a developmental center is required to report that information immediately, but no later than within 2 hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

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

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

1 SECTION 1. Section 13515.30 is added to the Penal Code, to
2 read:

3 13515.30. (a) By July 1, 2015, the Commission on Peace
4 Officer Standards and Training shall establish and keep updated
5 a continuing education-~~classroom~~ training course relating to law
6 enforcement interaction with mentally disabled and
7 developmentally disabled persons living within a state mental
8 hospital or state developmental center. The training course shall
9 be developed by the commission in consultation with appropriate
10 community, local, and state organizations and agencies that have
11 expertise in the area of mental illness and developmental disability,
12 and with appropriate consumer and family advocate groups. In
13 developing the course, the commission shall also examine existing
14 courses certified by the commission that relate to mentally disabled
15 and developmentally disabled persons. The commission shall make
16 the course available to all law enforcement agencies in California,
17 and the course shall be required for law enforcement personnel
18 serving in law enforcement agencies with jurisdiction over state
19 mental hospitals and state developmental centers, as part of the
20 agency's officer training program.

21 (b) The course described in subdivision (a) may consist of
22 video-based or classroom instruction. The course shall include, at
23 a minimum, core instruction in all of the following:

24 (1) The prevalence, cause, and nature of mental illnesses and
25 developmental disabilities.

1 (2) The unique characteristics, barriers, and challenges of
2 individuals who may be a victim of abuse or exploitation living
3 within a state mental hospital or state developmental center.

4 (3) How to accommodate, interview, and converse with
5 individuals who may require assistive devices in order to express
6 themselves.

7 (4) Capacity and consent of individuals with cognitive and
8 intellectual barriers.

9 (5) Conflict resolution and deescalation techniques for
10 potentially dangerous situations involving mentally disabled or
11 developmentally disabled persons.

12 (6) Appropriate language usage when interacting with mentally
13 disabled or developmentally disabled persons.

14 (7) Community and state resources and advocacy support and
15 services available to serve mentally disabled or developmentally
16 disabled persons, and how these resources can be best utilized by
17 law enforcement to benefit the mentally disabled or
18 developmentally disabled community.

19 (8) The fact that a crime committed in whole or in part because
20 of an actual or perceived disability of the victim is a hate crime
21 punishable under Title 11.6 (commencing with Section 422.55)
22 of Part 1.

23 (9) Information on the state mental hospital system and the state
24 developmental center system.

25 (10) Techniques in conducting forensic investigations within
26 institutional settings where jurisdiction may be shared.

27 (11) Examples of abuse and exploitation perpetrated by
28 caregivers, staff, contractors, or administrators of state mental
29 hospitals and state developmental centers, and how to conduct
30 investigations in instances where a perpetrator may also be a
31 caregiver or provider of therapeutic or other services.

32 *SEC. 2. Section 4427.5 of the Welfare and Institutions Code*
33 *is amended to read:*

34 4427.5. (a) (1) A developmental center shall immediately,
35 *but no later than within two hours of the developmental center*
36 *observing, obtaining knowledge of, or suspecting abuse,* report
37 the following incidents involving a resident to the local law
38 enforcement agency having jurisdiction over the city or county in
39 which the developmental center is located, regardless of whether

1 the Office of Protective Services has investigated the facts and
2 circumstances relating to the incident:

3 (A) A death.

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

5 (C) An assault with a deadly weapon, as described in Section
6 245 of the Penal Code, by a nonresident of the developmental
7 center.

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

10 (E) An injury to the genitals when the cause of the injury is
11 undetermined.

12 (F) A broken~~bone~~, *bony* when the cause of the break is
13 undetermined.

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

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

22 (4) ~~Nothing in this subdivision shall be interpreted to~~ *This*
23 *section does not* prevent the developmental center from reporting
24 any other criminal act constituting a danger to the health or safety
25 of the residents of the developmental center to the local law
26 enforcement agency.

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

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

32 (B) Any allegation of sexual assault, as defined in Section
33 15610.63, in which the alleged perpetrator is a developmental
34 center or department employee or contractor.

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

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

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

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

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

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

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

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

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

20 ~~SEC. 2.~~

21 *SEC. 3.* Section 15630 of the Welfare and Institutions Code is
22 amended to read:

23 15630. (a) Any person who has assumed full or intermittent
24 responsibility for the care or custody of an elder or dependent
25 adult, whether or not he or she receives compensation, including
26 administrators, supervisors, and any licensed staff of a public or
27 private facility that provides care or services for elder or dependent
28 adults, or any elder or dependent adult care custodian, health
29 practitioner, clergy member, or employee of a county adult
30 protective services agency or a local law enforcement agency, is
31 a mandated reporter.

32 (b) (1) Any mandated reporter who, in his or her professional
33 capacity, or within the scope of his or her employment, has
34 observed or has knowledge of an incident that reasonably appears
35 to be physical abuse, as defined in Section 15610.63, abandonment,
36 abduction, isolation, financial abuse, or neglect, or is told by an
37 elder or dependent adult that he or she has experienced behavior,
38 including an act or omission, constituting physical abuse, as defined
39 in Section 15610.63, abandonment, abduction, isolation, financial
40 abuse, or neglect, or reasonably suspects that abuse, shall report

1 the known or suspected instance of abuse by telephone or through
2 a confidential Internet reporting tool, as authorized by Section
3 15658, immediately or as soon as practicably possible. If reported
4 by telephone, a written report shall be sent, or an Internet report
5 shall be made through the confidential Internet reporting tool
6 established in Section 15658, within two working days.

7 (A) If the suspected or alleged abuse is physical abuse, as
8 defined in Section 15610.63, and the abuse occurred in a long-term
9 care facility, except a state mental health hospital or a state
10 developmental center, the following shall occur:

11 (i) If the suspected abuse results in serious bodily injury, a
12 telephone report shall be made to the local law enforcement agency
13 immediately, but also no later than within two hours of the
14 mandated reporter observing, obtaining knowledge of, or
15 suspecting the physical abuse, and a written report shall be made
16 to the local ombudsman, the corresponding licensing agency, and
17 the local law enforcement agency within two hours of the mandated
18 reporter observing, obtaining knowledge of, or suspecting the
19 physical abuse.

20 (ii) If the suspected abuse does not result in serious bodily injury,
21 a telephone report shall be made to the local law enforcement
22 agency within 24 hours of the mandated reporter observing,
23 obtaining knowledge of, or suspecting the physical abuse, and a
24 written report shall be made to the local ombudsman, the
25 corresponding licensing agency, and the local law enforcement
26 agency within 24 hours of the mandated reporter observing,
27 obtaining knowledge of, or suspecting the physical abuse.

28 (iii) When the suspected abuse is allegedly caused by a resident
29 with a physician's diagnosis of dementia, and there is no serious
30 bodily injury, as reasonably determined by the mandated reporter,
31 drawing upon his or her training or experience, the reporter shall
32 report to the local ombudsman or law enforcement agency by
33 telephone, immediately or as soon as practicably possible, and by
34 written report, within 24 hours.

35 (iv) When applicable, reports made pursuant to clauses (i) and
36 (ii) shall be deemed to satisfy the reporting requirements of the
37 federal Elder Justice Act of 2009, as set out in Subtitle H of the
38 federal Patient Protection and Affordable Care Act (Public Law
39 111-148), Section 1418.91 of the Health and Safety Code, and
40 Section 72541 of Title 22 of California Code of Regulations. When

1 a local law enforcement agency receives an initial report of
2 suspected abuse in a long-term care facility pursuant to this
3 subparagraph, the local law enforcement agency may coordinate
4 efforts with the local ombudsman to provide the most immediate
5 and appropriate response warranted to investigate the mandated
6 report. The local ombudsman and local law enforcement agencies
7 may collaborate to develop protocols to implement this
8 subparagraph.

9 (B) Notwithstanding the rulemaking provisions of Chapter 3.5
10 (commencing with Section 11340) of Part 1 of Division 3 of Title
11 2 of the Government Code, or any other law, the department may
12 implement subparagraph (A), in whole or in part, by means of
13 all-county letters, provider bulletins, or other similar instructions
14 without taking regulatory action.

15 (C) If the suspected or alleged abuse is abuse other than physical
16 abuse, and the abuse occurred in a long-term care facility, except
17 a state mental health hospital or a state developmental center, a
18 telephone report and a written report shall be made to the local
19 ombudsman or the local law enforcement agency.

20 (D) With regard to abuse reported pursuant to subparagraph
21 (C), the local ombudsman and the local law enforcement agency
22 shall, as soon as practicable, except in the case of an emergency
23 or pursuant to a report required to be made pursuant to clause (v),
24 in which case these actions shall be taken immediately, do all of
25 the following:

26 (i) Report to the State Department of Public Health any case of
27 known or suspected abuse occurring in a long-term health care
28 facility, as defined in subdivision (a) of Section 1418 of the Health
29 and Safety Code.

30 (ii) Report to the State Department of Social Services any case
31 of known or suspected abuse occurring in a residential care facility
32 for the elderly, as defined in Section 1569.2 of the Health and
33 Safety Code, or in an adult day program, as defined in paragraph
34 (2) of subdivision (a) of Section 1502 of the Health and Safety
35 Code.

36 (iii) Report to the State Department of Public Health and the
37 California Department of Aging any case of known or suspected
38 abuse occurring in an adult day health care center, as defined in
39 subdivision (b) of Section 1570.7 of the Health and Safety Code.

- 1 (iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse
2 any case of known or suspected criminal activity.
- 3 (v) Report all cases of known or suspected physical abuse and
4 financial abuse to the local district attorney's office in the county
5 where the abuse occurred.
- 6 (E) (i) If the suspected or alleged abuse or neglect occurred in
7 a state mental hospital or a state developmental center, and the
8 suspected or alleged abuse or neglect resulted in any of the
9 following incidents, a report shall be made immediately, but no
10 later than within two hours of the mandated reporter observing,
11 obtaining knowledge of, or suspecting abuse, to designated
12 investigators of the State Department of State Hospitals or the
13 State Department of Developmental Services, and also to the local
14 law enforcement agency:
- 15 (I) A death.
- 16 (II) A sexual assault, as defined in Section 15610.63.
- 17 (III) An assault with a deadly weapon, as described in Section
18 245 of the Penal Code, by a nonresident of the state mental hospital
19 or state developmental center.
- 20 (IV) An assault with force likely to produce great bodily injury,
21 as described in Section 245 of the Penal Code.
- 22 (V) An injury to the genitals when the cause of the injury is
23 undetermined.
- 24 (VI) A broken ~~bone~~, *bone* when the cause of the break is
25 undetermined.
- 26 (ii) All other reports of suspected or alleged abuse or neglect
27 that occurred in a state mental hospital or a state developmental
28 center shall be made *immediately, but no later than within two*
29 *hours of the mandated reporter observing, obtaining knowledge*
30 *of, or suspecting abuse*, to designated investigators of the State
31 Department of State Hospitals or the State Department of
32 Developmental Services, or to the local law enforcement agency.
- 33 (iii) When a local law enforcement agency receives an initial
34 report of suspected or alleged abuse or neglect in a state mental
35 hospital or a state developmental center pursuant to clause (i), the
36 local law enforcement agency shall coordinate efforts with the
37 designated investigators of the State Department of State Hospitals
38 or the State Department of Developmental Services to provide the
39 most immediate and appropriate response warranted to investigate
40 the mandated report. The designated investigators of the State

1 Department of State Hospitals or the State Department of
2 Developmental Services and local law enforcement agencies may
3 collaborate to develop protocols to implement this clause.

4 (iv) Except in an emergency, the local law enforcement agency
5 shall, as soon as practicable, report any case of known or suspected
6 criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

7 ~~(v) Mandated reporters of the State Department of State
8 Hospitals or the State Department of Developmental Services shall
9 immediately, but no later than within two hours of the mandated
10 reporter observing, obtaining knowledge of, or suspecting abuse,
11 report suspected abuse to the Office of Protective Services or to
12 the local law enforcement agency.~~

13 ~~(v) Notwithstanding any other law, a mandated reporter who
14 is required to report pursuant to Section 4427.5 shall not be
15 required to report under clause (i).~~

16 (F) If the abuse has occurred in any place other than a long-term
17 care facility, a state mental hospital, or a state developmental
18 center, the report shall be made to the adult protective services
19 agency or the local law enforcement agency.

20 (2) (A) A mandated reporter who is a clergy member who
21 acquires knowledge or reasonable suspicion of elder or dependent
22 adult abuse during a penitential communication is not subject to
23 paragraph (1). For purposes of this subdivision, “penitential
24 communication” means a communication that is intended to be in
25 confidence, including, but not limited to, a sacramental confession
26 made to a clergy member who, in the course of the discipline or
27 practice of his or her church, denomination, or organization is
28 authorized or accustomed to hear those communications and under
29 the discipline tenets, customs, or practices of his or her church,
30 denomination, or organization, has a duty to keep those
31 communications secret.

32 (B) This subdivision shall not be construed to modify or limit
33 a clergy member’s duty to report known or suspected elder and
34 dependent adult abuse if he or she is acting in the capacity of a
35 care custodian, health practitioner, or employee of an adult
36 protective services agency.

37 (C) Notwithstanding any other provision in this section, a clergy
38 member who is not regularly employed on either a full-time or
39 part-time basis in a long-term care facility or does not have care
40 or custody of an elder or dependent adult shall not be responsible

1 for reporting abuse or neglect that is not reasonably observable or
2 discernible to a reasonably prudent person having no specialized
3 training or experience in elder or dependent care.

4 (3) (A) A mandated reporter who is a physician and surgeon,
5 a registered nurse, or a psychotherapist, as defined in Section 1010
6 of the Evidence Code, shall not be required to report, pursuant to
7 paragraph (1), an incident if all of the following conditions exist:

8 (i) The mandated reporter has been told by an elder or dependent
9 adult that he or she has experienced behavior constituting physical
10 abuse, as defined in Section 15610.63, abandonment, abduction,
11 isolation, financial abuse, or neglect.

12 (ii) The mandated reporter is not aware of any independent
13 evidence that corroborates the statement that the abuse has
14 occurred.

15 (iii) The elder or dependent adult has been diagnosed with a
16 mental illness or dementia, or is the subject of a court-ordered
17 conservatorship because of a mental illness or dementia.

18 (iv) In the exercise of clinical judgment, the physician and
19 surgeon, the registered nurse, or the psychotherapist, as defined
20 in Section 1010 of the Evidence Code, reasonably believes that
21 the abuse did not occur.

22 (B) This paragraph shall not be construed to impose upon
23 mandated reporters a duty to investigate a known or suspected
24 incident of abuse and shall not be construed to lessen or restrict
25 any existing duty of mandated reporters.

26 (4) (A) In a long-term care facility, a mandated reporter shall
27 not be required to report as a suspected incident of abuse, as defined
28 in Section 15610.07, an incident if all of the following conditions
29 exist:

30 (i) The mandated reporter is aware that there is a proper plan
31 of care.

32 (ii) The mandated reporter is aware that the plan of care was
33 properly provided or executed.

34 (iii) A physical, mental, or medical injury occurred as a result
35 of care provided pursuant to clause (i) or (ii).

36 (iv) The mandated reporter reasonably believes that the injury
37 was not the result of abuse.

38 (B) This paragraph shall not be construed to require a mandated
39 reporter to seek, nor to preclude a mandated reporter from seeking,
40 information regarding a known or suspected incident of abuse prior

1 to reporting. This paragraph shall apply only to those categories
2 of mandated reporters that the State Department of Public Health
3 determines, upon approval by the Bureau of Medi-Cal Fraud and
4 Elder Abuse and the state long-term care ombudsman, have access
5 to plans of care and have the training and experience necessary to
6 determine whether the conditions specified in this section have
7 been met.

8 (c) (1) Any mandated reporter who has knowledge, or
9 reasonably suspects, that types of elder or dependent adult abuse
10 for which reports are not mandated have been inflicted upon an
11 elder or dependent adult, or that his or her emotional well-being
12 is endangered in any other way, may report the known or suspected
13 instance of abuse.

14 (2) If the suspected or alleged abuse occurred in a long-term
15 care facility other than a state mental health hospital or a state
16 developmental center, the report may be made to the long-term
17 care ombudsman program. Except in an emergency, the local
18 ombudsman shall report any case of known or suspected abuse to
19 the State Department of Public Health and any case of known or
20 suspected criminal activity to the Bureau of Medi-Cal Fraud and
21 Elder Abuse, as soon as is practicable.

22 (3) If the suspected or alleged abuse occurred in a state mental
23 health hospital or a state developmental center, the report may be
24 made to the designated investigator of the State Department of
25 State Hospitals or the State Department of Developmental Services
26 or to a local law enforcement agency. Except in an emergency,
27 the local law enforcement agency shall report any case of known
28 or suspected criminal activity to the Bureau of Medi-Cal Fraud
29 and Elder Abuse, as soon as is practicable.

30 (4) If the suspected or alleged abuse occurred in a place other
31 than a place described in paragraph (2) or (3), the report may be
32 made to the county adult protective services agency.

33 (5) If the conduct involves criminal activity not covered in
34 subdivision (b), it may be immediately reported to the appropriate
35 law enforcement agency.

36 (d) If two or more mandated reporters are present and jointly
37 have knowledge or reasonably suspect that types of abuse of an
38 elder or a dependent adult for which a report is or is not mandated
39 have occurred, and there is agreement among them, the telephone
40 report or Internet report, as authorized by Section 15658, may be

1 made by a member of the team selected by mutual agreement, and
2 a single report may be made and signed by the selected member
3 of the reporting team. Any member who has knowledge that the
4 member designated to report has failed to do so shall thereafter
5 make the report.

6 (e) A telephone report or Internet report, as authorized by
7 Section 15658, of a known or suspected instance of elder or
8 dependent adult abuse shall include, if known, the name of the
9 person making the report, the name and age of the elder or
10 dependent adult, the present location of the elder or dependent
11 adult, the names and addresses of family members or any other
12 adult responsible for the elder's or dependent adult's care, the
13 nature and extent of the elder's or dependent adult's condition, the
14 date of the incident, and any other information, including
15 information that led that person to suspect elder or dependent adult
16 abuse, as requested by the agency receiving the report.

17 (f) The reporting duties under this section are individual, and
18 no supervisor or administrator shall impede or inhibit the reporting
19 duties, and no person making the report shall be subject to any
20 sanction for making the report. However, internal procedures to
21 facilitate reporting, ensure confidentiality, and apprise supervisors
22 and administrators of reports may be established, provided they
23 are not inconsistent with this chapter.

24 (g) (1) Whenever this section requires a county adult protective
25 services agency to report to a law enforcement agency, the law
26 enforcement agency shall, immediately upon request, provide a
27 copy of its investigative report concerning the reported matter to
28 that county adult protective services agency.

29 (2) Whenever this section requires a law enforcement agency
30 to report to a county adult protective services agency, the county
31 adult protective services agency shall, immediately upon request,
32 provide to that law enforcement agency a copy of its investigative
33 report concerning the reported matter.

34 (3) The requirement to disclose investigative reports pursuant
35 to this subdivision shall not include the disclosure of social services
36 records or case files that are confidential, nor shall this subdivision
37 be construed to allow disclosure of any reports or records if the
38 disclosure would be prohibited by any other provision of state or
39 federal law.

1 (h) Failure to report, or impeding or inhibiting a report of,
 2 physical abuse, as defined in Section 15610.63, abandonment,
 3 abduction, isolation, financial abuse, or neglect of an elder or
 4 dependent adult, in violation of this section, is a misdemeanor,
 5 punishable by not more than six months in the county jail, by a
 6 fine of not more than one thousand dollars (\$1,000), or by both
 7 that fine and imprisonment. Any mandated reporter who willfully
 8 fails to report, or impedes or inhibits a report of, physical abuse,
 9 as defined in Section 15610.63, abandonment, abduction, isolation,
 10 financial abuse, or neglect of an elder or dependent adult, in
 11 violation of this section, if that abuse results in death or great bodily
 12 injury, shall be punished by not more than one year in a county
 13 jail, by a fine of not more than five thousand dollars (\$5,000), or
 14 by both that fine and imprisonment. If a mandated reporter
 15 intentionally conceals his or her failure to report an incident known
 16 by the mandated reporter to be abuse or severe neglect under this
 17 section, the failure to report is a continuing offense until a law
 18 enforcement agency specified in paragraph (1) of subdivision (b)
 19 of Section 15630 discovers the offense.

20 (i) For purposes of this section, “dependent adult” shall have
 21 the same meaning as in Section 15610.23.

22 ~~SEC. 3.~~

23 *SEC. 4.* No reimbursement is required by this act pursuant to
 24 Section 6 of Article XIII B of the California Constitution for certain
 25 costs that may be incurred by a local agency or school district
 26 because, in that regard, this act creates a new crime or infraction,
 27 eliminates a crime or infraction, or changes the penalty for a crime
 28 or infraction, within the meaning of Section 17556 of the
 29 Government Code, or changes the definition of a crime within the
 30 meaning of Section 6 of Article XIII B of the California
 31 Constitution.

32 However, if the Commission on State Mandates determines that
 33 this act contains other costs mandated by the state, reimbursement
 34 to local agencies and school districts for those costs shall be made
 35 pursuant to Part 7 (commencing with Section 17500) of Division
 36 4 of Title 2 of the Government Code.