

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1687

Introduced by Assembly Member Conway

February 13, 2014

An act to amend Section 4502 of, to amend the heading of Chapter 1 (commencing with Section 4500) of Division 4.5 of, to add the heading of Chapter 1.3 (commencing with Section 4502) to, and to add the heading of Chapter 1.6 (commencing with Section 4507) to, Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, as amended, Conway. Persons with Developmental Disabilities Bill of Rights.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to ~~provide services and supports to individuals with developmental disabilities~~ *provide fixed points of contact in the community for persons with developmental disabilities and their families, and to ensure that a person with developmental disabilities has access to the services and supports best suited to the person throughout his or her lifetime*. Existing law states the intent of the Legislature that persons with developmental disabilities have certain rights, including a right to prompt medical care and treatment and a right to be free from harm, *including abuse or neglect*. Existing law ~~requires that grants specified rights to~~ a person with developmental disabilities who has been admitted or committed to a state hospital, community care facility, or health facility ~~have specified rights~~,

including the right to have access to individual storage space for private use and a right to see visitors each day. 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 recast those rights as the Persons with Developmental Disabilities Bill of Rights. The bill would include, as a right *to persons with developmental disabilities*, the right to a prompt investigation of any alleged abuse against ~~a person with developmental disabilities and the results of the investigation to be made available to the person and his or her family, legal guardian, conservator, or authorized representative in a timely fashion.~~ By creating new duties for local officials, this bill would impose a state-mandated local program *them*.

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

1 SECTION 1. The heading of Chapter 1 (commencing with
2 Section 4500) of Division 4.5 of the Welfare and Institutions Code
3 is amended to read:

4
5 CHAPTER 1. TITLE AND INTENT

6
7 SEC. 2. The heading of Chapter 1.3 (commencing with Section
8 4502) is added to Division 4.5 of the Welfare and Institutions
9 Code, to read:

10
11 CHAPTER 1.3. PERSONS WITH DEVELOPMENTAL DISABILITIES
12 BILL OF RIGHTS

13

1 SEC. 3. Section 4502 of the Welfare and Institutions Code is
2 amended to read:

3 4502. (a) Persons with developmental disabilities have the
4 same legal rights and responsibilities guaranteed all other
5 individuals by the United States Constitution and laws and the
6 Constitution and laws of the State of California. ~~No~~ An otherwise
7 qualified person by reason of having a developmental disability
8 shall *not* be excluded from participation in, be denied the benefits
9 of, or be subjected to discrimination under any program or
10 activity, ~~which~~ *activity that* receives public funds.

11 (b) It is the intent of the Legislature that persons with
12 developmental disabilities shall have rights including, but not
13 limited to, the following:

14 (1) A right to treatment and habilitation services and supports
15 in the least restrictive environment. Treatment and habilitation
16 services and supports should foster the developmental potential
17 of the person and be directed toward the achievement of the most
18 independent, productive, and normal lives possible. Such services
19 shall protect the personal liberty of the individual and shall be
20 provided with the least restrictive conditions necessary to achieve
21 the purposes of the treatment, services, or supports.

22 (2) A right to dignity, privacy, and humane care. To the
23 maximum extent possible, treatment, services, and supports shall
24 be provided in natural community settings.

25 (3) A right to participate in an appropriate program of publicly
26 supported education, regardless of degree of disability.

27 (4) A right to prompt medical care and treatment.

28 (5) A right to religious freedom and practice.

29 (6) A right to social interaction and participation in community
30 activities.

31 (7) A right to physical exercise and recreational opportunities.

32 (8) A right to be free from harm, including unnecessary physical
33 restraint, or isolation, excessive medication, abuse, or neglect.

34 (9) A right to be free from hazardous procedures.

35 (10) A right to make choices in their own lives, including, but
36 not limited to, where and with whom they live, their relationships
37 with people in their community, the way they spend their time,
38 including education, employment, and leisure, the pursuit of their
39 personal future, and program planning and implementation.

1 (11) A right to a prompt investigation of any alleged abuse
2 against a person with developmental disabilities. The results of
3 the investigation shall be made available to the person and his or
4 her family, legal guardian, conservator, or authorized representative
5 in a timely fashion *them*.

6 SEC. 4. The heading of Chapter 1.6 (commencing with Section
7 4507) is added to Division 4.5 of the Welfare and Institutions
8 Code, to read:

9
10 CHAPTER 1.6. GENERAL PROVISIONS

11
12 ~~SEC. 5. If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~