

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2468

Introduced by Assembly Member Donnelly

February 21, 2014

An act to ~~amend Section 11174.35 of~~ *add Section 143* to the Penal Code, relating to ~~child death review teams~~ *airport security*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2468, as amended, Donnelly. ~~Child death review teams. Airport security: offenses.~~

Existing law makes it a misdemeanor for a public officer, or person pretending to be a public officer, under the pretense or color of any process or other legal authority, to take specified actions without a regular process or other lawful authority, including arresting or detaining a person against his or her will.

This bill would prohibit a public servant, acting under color of his or her office or employment, as part of a determination of whether to grant a person access to a publicly accessible venue or form of transportation, from intentionally and without probable cause operating body imaging scanning equipment either in direct contact with a passenger, pilot, or crew member, or from remotely viewing images captured through the operation of that equipment. The bill would make a violation of its provisions an infraction punishable by a fine of \$1,000 for each violation. The bill would also define "public servant" and "body imaging scanning equipment" for those purposes. By creating a new crime, the bill would impose a state-mandated local program.

This bill would provide that its provisions are severable.

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.

~~Existing law requires the State Department of Social Services to work with state and local child death review teams and child protective services agencies to identify child death cases that were, or should have been, reported to or by county child protective services agencies. The State Department of Social Services, the State Department of Public Health, and the Department of Justice are required to, among other things, develop a plan to track and maintain data on child deaths from abuse or neglect.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

- 1 SECTION 1. Section 143 is added to the Penal Code, to read:
- 2 143. (a) A public servant acting under color of his or her office
- 3 or employment shall not, as part of a determination of whether to
- 4 grant a person access to a publicly accessible venue or form of
- 5 transportation, intentionally and without probable cause operate
- 6 body imaging scanning equipment either in direct contact with a
- 7 passenger, pilot, or crew member, or remotely view images
- 8 captured through the operation of that equipment.
- 9 (b) For purposes of this section, the following definitions shall
- 10 apply:
- 11 (1) "Body imaging scanning equipment" means equipment that
- 12 uses either backscatter technology, millimeter wave technology,
- 13 or any other technology that produces an image with equal or
- 14 increased level of anatomical detail of the image created by
- 15 backscatter and millimeter wave technologies.
- 16 (2) "Public servant" means a person who is any of the
- 17 following:
- 18 (A) An officer, employee, or agent of the United States; a branch,
- 19 department, or agency of the United States; or another person

1 *acting under contract with a branch, department, or agency of the*
2 *United States to provide security or law enforcement services.*

3 *(B) Another person acting under color of federal law.*

4 *(c) Violation of this section is an infraction punishable by a fine*
5 *of one thousand dollars (\$1,000) for each violation.*

6 *(d) This section shall be construed to be enforceable up to, but*
7 *no further than, the maximum possible extent consistent with*
8 *federal constitutional requirements, even if that construction is*
9 *not readily apparent. Alternative constructions are authorized*
10 *only to the extent necessary to save the statute from judicial*
11 *invalidation.*

12 *SEC. 2. The provisions of this act are severable. If any*
13 *provision of this act or its application is held invalid, that invalidity*
14 *shall not affect other provisions or applications that can be given*
15 *effect without the invalid provision or application.*

16 *SEC. 3. No reimbursement is required by this act pursuant to*
17 *Section 6 of Article XIII B of the California Constitution because*
18 *the only costs that may be incurred by a local agency or school*
19 *district will be incurred because this act creates a new crime or*
20 *infraction, eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section 17556 of*
22 *the Government Code, or changes the definition of a crime within*
23 *the meaning of Section 6 of Article XIII B of the California*
24 *Constitution.*

25 ~~SECTION 1. Section 11174.35 of the Penal Code is amended~~
26 ~~to read:~~

27 ~~11174.35. The State Department of Social Services shall work~~
28 ~~with state and local child death review teams and child protective~~
29 ~~services agencies in order to identify child death cases that were,~~
30 ~~or should have been, reported to or by county child protective~~
31 ~~services agencies. Findings made pursuant to this section shall be~~
32 ~~used to determine the extent of child abuse or neglect fatalities~~
33 ~~occurring in families known to child protective services agencies~~
34 ~~and to define child welfare training needs for reporting,~~
35 ~~cross-reporting, data integration, and involvement by child~~
36 ~~protective services agencies in multiagency review in child deaths.~~
37 ~~The State Department of Social Services, the State Department of~~
38 ~~Public Health, and the Department of Justice shall develop a plan~~
39 ~~to track and maintain data on child deaths from abuse or neglect,~~
40 ~~and submit this plan, not later than December 1, 1997, to the Senate~~

- 1 ~~Committee on Health and Human Services, the Assembly~~
- 2 ~~Committee on Human Services, and the chairs of the fiscal~~
- 3 ~~committees of the Legislature.~~

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