

ASSEMBLY BILL

No. 2623

Introduced by Assembly Member Quirk-Silva

February 21, 2014

An act to amend Section 13515 of, and to add Section 368.7 to, the Penal Code, relating to elder abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2623, as introduced, Quirk-Silva. Elder abuse.

Existing law requires every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties to complete an elder and dependent adult abuse training course certified by the Commission on Peace Officer Standards and Training within 18 months of assignment to field duties. Existing law specifies certain subjects to be covered by the training.

This bill would require that training to include additional subjects relating to the legal rights and remedies available to victims of elder abuse. The bill would require every law enforcement officer below the rank of supervisor who is assigned to patrol duties and would normally respond to elder abuse reports or incidents of domestic violence to complete an updated course of instruction on elder abuse every 2 years. The bill would require local law enforcement agencies to provide their peace officers who respond to elder abuse complaints with a card containing specified information relating to elder abuse, including, among other things, a telephone number for the local adult protective services agency.

By imposing additional requirements on local law enforcement agencies, this bill would impose a state-mandated local program.

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.
State-mandated local program: yes.

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

1 SECTION 1. Section 368.7 is added to the Penal Code, to read:
2 368.7. Local law enforcement agencies shall provide to all
3 peace officers who would normally respond to reports or incidents
4 of elder abuse a “Victims of Elder Abuse” card that summarizes
5 the training received pursuant to subdivision (a) of Section 13515
6 and contains the definition of elder abuse pursuant to Section
7 15610.07 of the Welfare and Institutions Code. The card shall also
8 list the telephone number for the local adult protective services
9 agency, and, where available, a telephone number for other
10 services, public and private, that provide help to elders. The card
11 shall also contain a statement to inform the victim of his or her
12 right, pursuant to Section 15657.03 of the Welfare and Institutions
13 Code, to petition the court for an emergency protective order and
14 an order directing the attacker to leave the household or a
15 temporary restraining order.

16 SEC. 2. Section 13515 of the Penal Code is amended to read:
17 13515. (a) Every city police officer or deputy sheriff at a
18 supervisory level and below who is assigned field or investigative
19 duties shall complete an elder and dependent adult abuse training
20 course certified by the Commission on Peace Officer Standards
21 and Training within 18 months of assignment to field duties.
22 Completion of the course may be satisfied by telecourse, video
23 training tape, or other instruction. The training shall, at a minimum,
24 include all of the following subjects:

- 25 (1) Relevant laws.
- 26 (2) Recognition of elder and dependent adult abuse.
- 27 (3) Reporting requirements and procedures.
- 28 (4) Neglect of elders and dependent adults.

- 1 (5) Fraud of elders and dependent adults.
2 (6) Physical abuse of elders and dependent adults.
3 (7) Psychological abuse of elders and dependent adults.
4 (8) The role of the local adult protective services and public
5 guardian offices.
6 (9) *The legal rights of, and remedies available to, victims of*
7 *elder or dependent adult abuse pursuant to Section 15657.03 of*
8 *the Welfare and Institutions Code, including emergency protective*
9 *orders and the option to request a simultaneous move-out order,*
10 *and temporary restraining orders.*
11 (10) *Verification and enforcement of protective orders when*
12 *the suspect is present or has fled.*
13 (b) When producing new or updated training materials pursuant
14 to this section, the commission shall consult with the Bureau of
15 Medi-Cal Fraud and Elder Abuse and other subject matter experts.
16 Any new or updated training materials shall address all of the
17 following:
18 (1) The jurisdiction and responsibility of law enforcement
19 agencies pursuant to Section 368.5.
20 (2) The fact that the protected classes of “dependent person” as
21 defined in Section 288 and “dependent adult” as defined in Section
22 368 include many persons with disabilities, regardless of the fact
23 that most of those persons live independently.
24 (3) Other relevant information and laws.
25 (c) The commission also may inform the law enforcement
26 agencies of other relevant training materials.
27 (d) *Every law enforcement officer below the rank of supervisor*
28 *who is assigned to patrol duties and would normally respond to*
29 *elder abuse reports or incidents of domestic violence shall complete*
30 *an updated course of instruction on elder abuse every two years.*
31 *The course shall be developed according to the standards and*
32 *guidelines developed pursuant to subdivisions (a) and (b).*
33 SEC. 3. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.