
Introduced by Senator DeSaulnier

February 11, 2014

An act to amend Section 264.2 of the Penal Code, relating to rape victims.

LEGISLATIVE COUNSEL'S DIGEST

SB 978, as introduced, DeSaulnier. Rape victims: local rape victim counseling centers: notice.

Existing law requires a law enforcement officer assigned to a sexual assault case, or his or her agency, to immediately notify the local rape victim counseling center, whenever a victim of an alleged rape or an alleged violation of other specified sex crimes is transported to a hospital for any medical evidentiary or physical examination.

This bill would allow the hospital to notify the local rape victim counseling center when the victim is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim.

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

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

- 1 SECTION 1. Section 264.2 of the Penal Code is amended to
- 2 read:
- 3 264.2. (a) Whenever there is an alleged violation or violations
- 4 of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5,
- 5 286, 288a, or 289, the law enforcement officer assigned to the case
- 6 shall immediately provide the victim of the crime with the "Victims

1 of Domestic Violence” card, as specified in subparagraph (G) of
2 paragraph (9) of subdivision (c) of Section 13701.

3 (b) (1) The law enforcement officer, or his or her agency, shall
4 immediately notify the local rape victim counseling center,
5 whenever a victim of an alleged violation of Section 261, 261.5,
6 262, 286, 288a, or 289 is transported to a hospital for any medical
7 evidentiary or physical examination. *The hospital may notify the*
8 *local rape victim counseling center, when the victim of the alleged*
9 *violation of Section 261, 261.5, 262, 286, 288a, or 289 is presented*
10 *to the hospital for the medical or evidentiary physical examination,*
11 *upon approval of the victim.* The victim ~~shall have~~ *has* the right
12 to have a sexual assault counselor, as defined in Section 1035.2
13 of the Evidence Code, and a support person of the victim’s
14 choosing present at any medical evidentiary or physical
15 examination.

16 (2) Prior to the commencement of any initial medical evidentiary
17 or physical examination arising out of a sexual assault, a victim
18 shall be notified orally or in writing by the medical provider that
19 the victim has the right to have present a sexual assault counselor
20 and at least one other support person of the victim’s choosing.

21 (3) The hospital may verify with the law enforcement officer,
22 or his or her agency, whether the local rape victim counseling
23 center has been notified, upon the approval of the victim.

24 (4) A support person may be excluded from a medical
25 evidentiary or physical examination if the law enforcement officer
26 or medical provider determines that the presence of that individual
27 would be detrimental to the purpose of the examination.