

AMENDED IN ASSEMBLY JANUARY 13, 2016

AMENDED IN ASSEMBLY JANUARY 4, 2016

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1272

Introduced by Assembly Member Grove

February 27, 2015

An act to amend Section 1048.1 ~~of, and to add Section 368.7 to, of~~ the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1272, as amended, Grove. ~~Crimes against persons with disabilities, children, and elder and dependent adults. Criminal procedure: trial schedule conflicts.~~

~~The Child Abuse and Neglect Reporting Act requires a law enforcement agency that receives a report of child abuse to report to an appropriate licensing agency every known or suspected instance of child abuse or neglect that occurs while the child is being cared for in a child day care facility or community care facility or that involves a licensed staff person of the facility.~~

~~Existing law provides for the licensure of various healing arts professionals, and specifies that the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action against the licensee. Existing law also establishes that the crime of sexual exploitation by a physician and surgeon, psychotherapist, or~~

~~alcohol and drug abuse counselor has occurred when the licensee engages in specified sexual acts with a patient, client, or former patient or client.~~

~~This bill would require, if a law enforcement agency has probable cause to believe that a person who holds a state professional or occupational credential, license, permit, or other authorization that allows the person to provide services to children, dependent adults, elders, or persons with disabilities and has committed specified crimes; the law enforcement agency to promptly send a copy of its report to the state licensing agency. The bill would require the licensing agency to promptly investigate the report and, if it substantiates the report, to take any action that it finds warranted. By imposing these additional duties on law enforcement agencies, this bill would impose a state-mandated local program.~~

Existing law requires a superior court to make reasonable efforts to avoid setting a trial for murder, sexual assault, child abuse, or a case being handled in the Career Criminal Prosecution Program on the same day that another case is set for trial involving the same prosecuting attorney.

This bill would expand this requirement to include a trial involving an alleged offense against a person with a developmental disability.

~~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. Section 368.7 is added to the Penal Code, to read:
- 2 368.7. (a) ~~When a law enforcement agency finds probable~~
- 3 ~~cause to believe that a person who holds a state professional or~~
- 4 ~~occupational credential, license, permit, or other authorization that~~
- 5 ~~allows the person to provide services to children, dependent adults,~~
- 6 ~~elders, or persons with disabilities has committed a crime under~~
- 7 ~~any of the following provisions of law, the law enforcement agency~~

1 shall promptly send a copy of its report, including the finding of
2 probable cause, to the state agency that issued the credential,
3 license, permit, or other authorization:

4 (1) Sexual exploitation by a physician and surgeon,
5 psychotherapist, or drug or alcohol abuse counselor, as defined in
6 Section 729 of the Business and Professions Code.

7 (2) Rape or other crime as defined in Chapter 1 (commencing
8 with Section 261) of Title 9 of Part 1.

9 (3) Elder or dependent adult abuse, failure to report elder or
10 dependent adult abuse, interfering with a report of elder or
11 dependent adult abuse, or other crimes as defined in this chapter.

12 (4) A hate crime motivated by antidisability bias, as defined in
13 Chapter 1 (commencing with Section 422.55) of Title 11.6 of Part
14 1.

15 (5) Sexual abuse, as defined in Section 11165.1.

16 (6) Child abuse, failure to report child abuse, or the interfering
17 with the report of child abuse.

18 (b) Notwithstanding any other law, a state agency receiving a
19 report pursuant to this section shall promptly investigate the report
20 and, if it substantiates the report, shall take any action that it finds
21 warranted, which may include revoking the credential, license,
22 permit, or other authorization. The state agency shall cooperate
23 with the law enforcement agency and any prosecuting attorney to
24 avoid jeopardizing any criminal investigation or prosecution.

25 ~~SEC. 2.~~

26 *SECTION 1.* Section 1048.1 of the Penal Code is amended to
27 read:

28 1048.1. (a) In scheduling a trial date at an arraignment in
29 superior court involving any of the following offenses, reasonable
30 efforts shall be made to avoid setting that trial, when that case is
31 assigned to a particular prosecuting attorney, on the same day that
32 another case is set for trial involving the same prosecuting attorney:

33 (1) Murder, as defined in subdivision (a) of Section 187.

34 (2) An alleged sexual assault offense, as described in
35 subdivisions (a) and (b) of Section 11165.1.

36 (3) An alleged child abuse offense, as described in Section
37 11165.6.

38 (4) A case being handled in the Career Criminal Prosecution
39 Program pursuant to Chapter 2.2 (commencing with Section 999b).

1 (5) An alleged offense against a person with a developmental
2 disability.

3 (b) For purposes of this section, “developmental disability” has
4 the same meaning as found in Section 4512 of the Welfare and
5 Institutions Code.

6 ~~SEC. 3.— If the Commission on State Mandates determines that~~
7 ~~this act contains costs mandated by the state, reimbursement to~~
8 ~~local agencies and school districts for those costs shall be made~~
9 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
10 ~~4 of Title 2 of the Government Code.~~