CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL   No. 2606

Introduced by Assembly Member Grove
(Coauthor: Assembly Member Jones)
(Coauthors: Senators Bates, Berryhill, Huff, and Roth)

February 19, 2016

An act to add Chapter 14 (commencing with Section 368.7) to Title 9 of Part 1 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2606, as amended, Grove. Crimes against children, elders, dependent adults, and persons with disabilities.

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 proscribes the commission of certain crimes against elders and dependent adults, including, but not limited to, inflicting upon an elder or dependent adult unjustifiable physical pain or mental suffering, as specified. Existing law proscribes the commission of a hate crime, as defined, against certain categories of persons, including disabled persons.

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 receives a report, or if a law enforcement officer makes a report, that a person who holds a state professional or occupational credential, license, or permit that allows the person to provide services to children, elders, dependent adults, or persons with disabilities is alleged to have committed one or more of specified crimes, the law enforcement agency to promptly send a copy of the report to the state ~~licensing~~ agency that issued the credential, license, or ~~permit.~~ *permit, except as specified. The bill would require a state agency to prioritize and process the report pursuant to applicable law in the same manner as similar reports received by that agency in order to ensure due process of law and equal protection of the laws.* By imposing additional duties on 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.   Chapter 14 (commencing with Section 368.7) is
2   added to Title 9 of Part 1 of the Penal Code, to read:
3
4   CHAPTER 14. ~~REPORTING CRIMES AGAINST CHILDREN, ELDERS,~~
5   ~~DEPENDENT ADULTS, AND PERSONS WITH DISABILITIES~~ *CROSS*
6   *REPORTING TO STATE AGENCIES OF SEX CRIMES, CHILD,*

1 *DEPENDENT ADULT, AND ELDER ABUSE AND NEGLECT, AND*
2 *FAILURE TO REPORT ABUSE AND NEGLECT*
3
4 368.7. If a law enforcement agency receives a report, or if a
5 law enforcement officer makes a report, that a person who holds
6 a state professional or occupational credential, license, or permit
7 that allows the person to provide services to children, elders,
8 dependent adults, or persons with disabilities is alleged to have
9 committed one or more of the crimes described in subdivisions (a)
10 to (f), *(d),* inclusive, the law enforcement agency shall promptly
11 send a copy of the report to the state agency that issued the
12 credential, license, or permit. *If the law enforcement agency*
13 *determines that sending the copy of the report to the state agency*
14 *would jeopardize an ongoing investigation, however, the law*
15 *enforcement agency shall delay sending the copy to the state*
16 *agency until the investigation is complete or the law enforcement*
17 *agency determines that sending the report to the state agency*
18 *would no longer jeopardize the investigation.*
19 (a) Sexual exploitation by a physician and surgeon,
20 psychotherapist, or drug or alcohol abuse counselor, as described
21 in Section 729 of the Business and Professions Code.
22 (b) Rape or other crimes described in Chapter 1 (commencing
23 with Section 261).
24 (c)
25 *(b)* Elder or dependent adult abuse, failure to report elder or
26 dependent adult abuse, interfering with a report of elder or
27 dependent adult abuse *abuse,* or other crimes, as described in
28 Chapter 13.
29 (d) A hate crime motivated by antidisability bias, as described
30 in Chapter 1 (commencing with Section 422.55) of Title 11.6.
31 (e)
32 *(c)* Sexual abuse, as defined in Section 11165.1.
33 (f)
34 *(d)* Child abuse, failure to report child abuse, or interfering with
35 a report of child abuse.
36 368.8. *When a state agency receives a report pursuant to this*
37 *chapter, the agency shall prioritize and process the report pursuant*
38 *to applicable law in the same manner as similar reports received*
39 *by that agency in order to ensure due process of law and equal*
40 *protection of the laws.*

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

O