

Introduced by Senator Galgiani

February 12, 2015

An act to ~~amend Section 263 of the Penal Code, relating to crime.~~
add Section 230.35 to the Labor Code, relating to volunteer firefighters.

LEGISLATIVE COUNSEL'S DIGEST

SB 220, as amended, Galgiani. ~~Rape.~~*Volunteer firefighters: federal reimbursements.*

(1) Existing law, enforced by the Labor Commissioner, regulates the terms and conditions of employment, including wages. Existing law prohibits an employer from discharging, or in any manner discriminating against, an employee for taking time off to perform emergency duty as a volunteer firefighter. Existing law makes it a misdemeanor to willfully refuse to pay wages due, as specified, or to falsely deny an amount or validity of an amount owed, as specified.

This bill would require a private or public fire department with volunteer firefighters that receives federal reimbursement for personnel costs associated with firefighting in which its volunteer firefighters have participated to pass through to those volunteers an amount equivalent to 20% of the annual compensation paid to a full-time firefighter employed by the department, as specified. By increasing the duties of local officials, and expanding the scope of a crime, this bill would impose a state-mandated local program.

(2) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law provides that the essential guilt of the crime of rape consists in the outrage to the person and feelings of the victim of the rape.~~

~~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 230.35 is added to the Labor Code, to
2 read:

3 230.35. (a) This section shall apply to a private or public fire
4 department that has volunteer firefighters and receives
5 reimbursement from the federal government for personnel costs
6 associated with firefighting in which its volunteer firefighters have
7 participated.

8 (b) A fire department shall pass through to its volunteers
9 described in Subdivision (a) an amount equivalent to 20 percent
10 of the annual compensation paid to a full-time firefighter employed
11 by the fire department, consistent with United States Department
12 of Labor guidance on maintaining the volunteer status of these
13 firefighters.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution for certain
16 costs that may be incurred by a local agency or school district
17 because, in that regard, this act creates a new crime or infraction,
18 eliminates a crime or infraction, or changes the penalty for a crime
19 or infraction, within the meaning of Section 17556 of the
20 Government Code, or changes the definition of a crime within the
21 meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 However, if the Commission on State Mandates determines that
24 this act contains other costs mandated by the state, reimbursement

1 *to local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 SECTION 1. ~~Section 263 of the Penal Code is amended to~~
5 ~~read:~~

6 ~~263. The essential guilt of rape consists of the outrage to the~~
7 ~~person and the feelings of the victim of the rape. Any sexual~~
8 ~~penetration, however slight, is sufficient to complete the crime.~~

O