

Introduced by Senator LeyvaFebruary 27, 2015

An act to amend Section 1035.2 of the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

SB 668, as introduced, Leyva. Sexual assault counselor-victim privilege.

Existing law provides that a victim of a sexual assault has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a sexual assault counselor if the privilege is claimed by the holder of the privilege, a person who is authorized to claim the privilege by the holder of the privilege, or the person who was the sexual assault counselor at the time of the confidential communication, except as specified. Existing law defines several terms for these purposes.

This bill would modify the definition of the term "sexual assault counselor" for purposes of the sexual assault counselor-victim privilege.

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 1035.2 of the Evidence Code is amended
- 2 to read:
- 3 1035.2. As used in this article, "sexual assault counselor" means
- 4 any of the following:
- 5 (a) ~~A person who is engaged in any office, hospital, institution,~~
- 6 ~~or center commonly known as a rape crisis center, whose primary~~

1 purpose is the rendering of advice or assistance to victims of sexual
2 assault and who has received a certificate evidencing completion
3 of a training program in the counseling of sexual assault victims
4 issued by a counseling center that meets the criteria for the award
5 of a grant established pursuant to Section 13837 of the Penal Code
6 and who meets one of the following requirements:

7 (1) ~~Is a psychotherapist as defined in Section 1010; has a~~
8 ~~master's degree in counseling or a related field; or has one year~~
9 ~~of counseling experience, at least six months of which is in rape~~
10 ~~crisis counseling.~~

11 (2) ~~Has 40 hours of training as described below and is~~
12 ~~supervised by an individual who qualifies as a counselor under~~
13 ~~paragraph (1). The training, supervised by a person qualified under~~
14 ~~paragraph (1), shall include, but not be limited to, the following~~
15 ~~areas:~~

16 (A) ~~Law.~~

17 (B) ~~Medicine.~~

18 (C) ~~Societal attitudes.~~

19 (D) ~~Crisis intervention and counseling techniques.~~

20 (E) ~~Role playing.~~

21 (F) ~~Referral services.~~

22 (G) ~~Sexuality.~~

23 (a) (1) *A person who is employed by an organization that meets*
24 *the criteria for the award of a grant established pursuant to Section*
25 *13837 of the Penal Code, commonly known as a rape crisis center,*
26 *whether financially compensated or not, whose duties include the*
27 *counseling and assistance of sexual assault victims and who has*
28 *received a certificate evidencing completion of a 40 hour training*
29 *program in the counseling of sexual assault victims issued by an*
30 *organization that meets the criteria for the award of a grant*
31 *established pursuant to Section 13837 of the Penal Code.*

32 (2) *The "sexual assault counselor" shall be supervised by an*
33 *individual who has at least one year of counseling experience, 6*
34 *months of which are in rape crisis counseling, is employed by an*
35 *organization that meets the criteria for the award of a grant*
36 *established pursuant to Section 13837 of the Penal Code, whether*
37 *financially compensated or not and is one of the following:*

38 (A) *An individual who qualifies as a sexual assault counselor,*
39 *as described in paragraph (1).*

1 (B) A psychotherapist, as described in Section 1010, or has a
2 master's degree in counseling or a related field.

3 (3) The 40 hour training must be supervised by a person who
4 is a sexual assault counselor pursuant to paragraph (1) and shall
5 include, but not be limited to, the following areas:

6 (A) Law.

7 (B) Medicine.

8 (C) Societal attitudes.

9 (D) Crisis intervention and counseling techniques.

10 (E) Role playing.

11 (F) Referral services.

12 (G) Sexuality.

13 (b) A person who is employed by any organization providing
14 the programs specified in Section 13835.2 of the Penal Code,
15 whether financially compensated or not, for the purpose of
16 counseling and assisting sexual assault victims, and who meets
17 one of the following requirements:

18 (1) Is a psychotherapist as defined in Section 1010; has a
19 master's degree in counseling or a related field; or has one year
20 of counseling experience, at least six months of which is in rape
21 assault counseling.

22 (2) Has the minimum training for sexual assault counseling
23 required by guidelines established by the employing agency
24 pursuant to subdivision (c) of Section 13835.10 of the Penal Code,
25 and is supervised by an individual who qualifies as a counselor
26 under paragraph (1). The training, supervised by a person qualified
27 under paragraph (1), shall include, but not be limited to, the
28 following areas:

29 (A) Law.

30 (B) Victimology.

31 (C) Counseling.

32 (D) Client and system advocacy.

33 (E) Referral services.