

Introduced by Senator StoneFebruary 19, 2016

An act to amend Section 11160 of the Penal Code, relating to crime reporting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1334, as introduced, Stone. Crime reporting: health practitioners: human trafficking.

Existing law requires a health practitioner, as specified, who, in his or her professional capacity or within the scope of his or her employment, provides medical services to a patient who he or she knows, or reasonably suspects, has suffered from a wound or other physical injury where the injury is by means of a firearm or is the result of assaultive or abusive conduct, to make a report to a law enforcement agency, as specified. Existing law defines "assaultive or abusive conduct" for these purposes as a violation of specified crimes. Under existing law, a violation of this provision is a crime.

This bill would add the crime of human trafficking to the list of crimes that constitute assaultive or abusive conduct for purposes of the above reporting requirements. By increasing the scope of an existing crime, 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 no reimbursement is required by this act for a specified reason.

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. Section 11160 of the Penal Code is amended to
2 read:

3 11160. (a) ~~Any~~A health practitioner employed in a health
4 facility, clinic, physician's office, local or state public health
5 department, or a clinic or other type of facility operated by a local
6 or state public health department who, in his or her professional
7 capacity or within the scope of his or her employment, provides
8 medical services for a physical condition to a patient ~~whom~~ *who*
9 he or she ~~knows~~ *knows*, or reasonably ~~suspects~~ *suspects*, is a person
10 described as follows, shall immediately make a report in
11 accordance with subdivision (b):

12 (1) ~~Any~~A person suffering from ~~any~~ a wound or other physical
13 injury inflicted by his or her own act or inflicted by another where
14 the injury is by means of a firearm.

15 (2) ~~Any~~A person suffering from ~~any~~ a wound or other physical
16 injury inflicted upon the person where the injury is the result of
17 assaultive or abusive conduct.

18 (b) ~~Any~~A health practitioner employed in a health facility,
19 clinic, physician's office, local or state public health department,
20 or a clinic or other type of facility operated by a local or state
21 public health department shall make a report regarding persons
22 described in subdivision (a) to a local law enforcement agency as
23 follows:

24 (1) A report by telephone shall be made immediately or as soon
25 as practically possible.

26 (2) A written report shall be prepared on the standard form
27 developed in compliance with paragraph (4) of this subdivision,
28 and Section 11160.2, and adopted by the Office of Emergency
29 Services, or on a form developed and adopted by another state
30 agency that otherwise fulfills the requirements of the standard
31 form. The completed form shall be sent to a local law enforcement
32 agency within two working days of receiving the information
33 regarding the person.

34 (3) A local law enforcement agency shall be notified and a
35 written report shall be prepared and sent pursuant to paragraphs
36 (1) and (2) even if the person who suffered the wound, other injury,
37 or assaultive or abusive conduct has expired, regardless of whether
38 or not the wound, other injury, or assaultive or abusive conduct

1 was a factor contributing to the death, and even if the evidence of
2 the conduct of the perpetrator of the wound, other injury, or
3 assaultive or abusive conduct was discovered during an autopsy.

4 (4) The report shall include, but shall not be limited to, the
5 following:

6 (A) The name of the injured person, if known.

7 (B) The injured person’s whereabouts.

8 (C) The character and extent of the person’s injuries.

9 (D) The identity of ~~any~~ a person the injured person alleges
10 inflicted the wound, other injury, or assaultive or abusive conduct
11 upon the injured person.

12 (c) For the purposes of this section, “injury” shall not include
13 any psychological or physical condition brought about solely
14 through the voluntary administration of a narcotic or restricted
15 dangerous drug.

16 (d) For the purposes of this section, “assaultive or abusive
17 conduct” shall include any of the following offenses:

18 (1) Murder, in violation of Section 187.

19 (2) Manslaughter, in violation of Section 192 or 192.5.

20 (3) Mayhem, in violation of Section 203.

21 (4) Aggravated mayhem, in violation of Section 205.

22 (5) Torture, in violation of Section 206.

23 (6) Assault with intent to commit mayhem, rape, sodomy, or
24 oral copulation, in violation of Section 220.

25 (7) Administering controlled substances or anesthetic to aid in
26 commission of a felony, in violation of Section 222.

27 (8) *Human trafficking, in violation of Section 236.1.*

28 ~~(8)~~

29 (9) Battery, in violation of Section 242.

30 ~~(9)~~

31 (10) Sexual battery, in violation of Section 243.4.

32 ~~(10)~~

33 (11) Incest, in violation of Section 285.

34 ~~(11)~~

35 (12) Throwing any vitriol, corrosive acid, or caustic chemical
36 with intent to injure or disfigure, in violation of Section 244.

37 ~~(12)~~

38 (13) Assault with a stun gun or taser, in violation of Section
39 244.5.

40 ~~(13)~~

- 1 (14) Assault with a deadly weapon, firearm, assault weapon, or
2 machinegun, or by means likely to produce great bodily injury, in
3 violation of Section 245.
4 ~~(14)~~
- 5 (15) Rape, in violation of Section 261.
6 ~~(15)~~
- 7 (16) Spousal rape, in violation of Section 262.
8 ~~(16)~~
- 9 (17) Procuring ~~any~~ a female to have sex with another man, in
10 violation of Section 266, 266a, 266b, or 266c.
11 ~~(17)~~
- 12 (18) Child abuse or endangerment, in violation of Section 273a
13 or 273d.
14 ~~(18)~~
- 15 (19) Abuse of spouse or cohabitant, in violation of Section
16 273.5.
17 ~~(19)~~
- 18 (20) Sodomy, in violation of Section 286.
19 ~~(20)~~
- 20 (21) Lewd and lascivious acts with a child, in violation of
21 Section 288.
22 ~~(21)~~
- 23 (22) Oral copulation, in violation of Section 288a.
24 ~~(22)~~
- 25 (23) Sexual penetration, in violation of Section 289.
26 ~~(23)~~
- 27 (24) Elder abuse, in violation of Section 368.
28 ~~(24)~~
- 29 (25) An attempt to commit any crime specified in paragraphs
30 (1) to ~~(23)~~, (24), inclusive.
- 31 (e) ~~When~~ If two or more persons who are required to report are
32 present and jointly have knowledge of a known or suspected
33 instance of violence that is required to be reported pursuant to this
34 section, and ~~when~~ if there is an agreement among these persons to
35 report as a team, the team may select by mutual agreement a
36 member of the team to make a report by telephone and a single
37 written report, as required by subdivision (b). The written report
38 shall be signed by the selected member of the reporting team. ~~Any~~
39 A member who has knowledge that the member designated to
40 report has failed to do so shall thereafter make the report.

1 (f) The reporting duties under this section are individual, except
2 as provided in subdivision (e).

3 (g) ~~No~~A supervisor or administrator shall *not* impede or inhibit
4 the reporting duties required under this section and ~~no~~ a person
5 making a report pursuant to this section shall *not* be subject to ~~any~~
6 sanction for making the report. However, internal procedures to
7 facilitate reporting and apprise supervisors and administrators of
8 reports may be established, except that these procedures shall not
9 be inconsistent with this article. The internal procedures shall not
10 require ~~any~~ an employee required to make a report under this article
11 to disclose his or her identity to the employer.

12 (h) For the purposes of this section, it is the Legislature's intent
13 to avoid duplication of information.

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