

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1334

Introduced by Senator Stone

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1334, as amended, 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 *require a health care practitioner who provides medical services to a patient who discloses that he or she is seeking treatment due to being the victim of assaultive or abusive conduct, to additionally make a report to a law enforcement agency. The bill would also add the crime of human trafficking to the list of crimes that constitute assaultive or abusive conduct for purposes of the above reporting requirements.* ~~requirements and the reporting requirements added by this bill.~~ 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) (1) 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 who he or
9 she knows, or reasonably suspects, is a person described as follows,
10 shall immediately make a report in accordance with subdivision

11 (b):

12 ~~(1)~~

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

16 ~~(2)~~

17 (B) A person suffering from a wound or other physical injury
18 inflicted upon the person where the injury is the result of assaultive
19 or abusive conduct.

20 (2) *A health practitioner employed in a health facility, clinic,*
21 *physician's office, local or state public health department, or a*
22 *clinic or other type of facility operated by a local or state public*
23 *health department who, in his or her professional capacity or*
24 *within the scope of his or her employment, provides medical*
25 *services to a patient who discloses that he or she is seeking*
26 *treatment due to being the victim of assaultive or abusive conduct,*
27 *shall immediately make a report in accordance with subdivision*
28 *(b).*

29 (b) A health practitioner employed in a health facility, clinic,
30 physician's office, local or state public health department, or a

1 clinic or other type of facility operated by a local or state public
2 health department shall make a report regarding persons described
3 in subdivision (a) to a local law enforcement agency as follows:

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

6 (2) A written report shall be prepared on the standard form
7 developed in compliance with paragraph (4) of this ~~subdivision,~~
8 ~~and Section 11160.2, and subdivision~~ adopted by the Office of
9 Emergency Services, or on a form developed and adopted by
10 another state agency that otherwise fulfills the requirements of the
11 standard form. The completed form shall be sent to a local law
12 enforcement agency within two working days of receiving the
13 information regarding the person.

14 (3) A local law enforcement agency shall be notified and a
15 written report shall be prepared and sent pursuant to paragraphs
16 (1) and (2) even if the person who suffered the wound, other injury,
17 or assaultive or abusive conduct has expired, regardless of whether
18 or not the wound, other injury, or assaultive or abusive conduct
19 was a factor contributing to the death, and even if the evidence of
20 the conduct of the perpetrator of the wound, other injury, or
21 assaultive or abusive conduct was discovered during an autopsy.

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

24 (A) The name of the ~~injured~~ *injured, assaulted, or abused*
25 person, if known.

26 (B) The ~~injured~~ *injured, assaulted, or abused* person's
27 whereabouts.

28 (C) The character and extent of the person's ~~injuries~~ *injuries,*
29 *if any.*

30 (D) The identity of a person the ~~injured~~ *injured, assaulted, or*
31 *abused* person alleges inflicted the wound, other injury, or
32 assaultive or abusive conduct upon the injured person.

33 (c) For the purposes of this section, "injury" shall not include
34 any psychological or physical condition brought about solely
35 through the voluntary administration of a narcotic or restricted
36 dangerous drug.

37 (d) For the purposes of this section, "assaultive or abusive
38 conduct" ~~shall include~~ *includes* any of the following offenses:

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

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

- 1 (3) Mayhem, in violation of Section 203.
- 2 (4) Aggravated mayhem, in violation of Section 205.
- 3 (5) Torture, in violation of Section 206.
- 4 (6) Assault with intent to commit mayhem, rape, sodomy, or
- 5 oral copulation, in violation of Section 220.
- 6 (7) Administering controlled substances or anesthetic to aid in
- 7 commission of a felony, in violation of Section 222.
- 8 (8) Human trafficking, in violation of Section 236.1.
- 9 (9) Battery, in violation of Section 242.
- 10 (10) Sexual battery, in violation of Section 243.4.
- 11 (11) Incest, in violation of Section 285.
- 12 (12) Throwing any vitriol, corrosive acid, or caustic chemical
- 13 with intent to injure or disfigure, in violation of Section 244.
- 14 (13) Assault with a stun gun or taser, in violation of Section
- 15 244.5.
- 16 (14) Assault with a deadly weapon, firearm, assault weapon, or
- 17 machinegun, or by means likely to produce great bodily injury, in
- 18 violation of Section 245.
- 19 (15) Rape, in violation of Section 261.
- 20 (16) Spousal rape, in violation of Section 262.
- 21 (17) Procuring a female to have sex with another man, in
- 22 violation of Section 266, 266a, 266b, or 266c.
- 23 (18) Child abuse or endangerment, in violation of Section 273a
- 24 or 273d.
- 25 (19) Abuse of spouse or cohabitant, in violation of Section
- 26 273.5.
- 27 (20) Sodomy, in violation of Section 286.
- 28 (21) Lewd and lascivious acts with a child, in violation of
- 29 Section 288.
- 30 (22) Oral copulation, in violation of Section 288a.
- 31 (23) Sexual penetration, in violation of Section 289.
- 32 (24) Elder abuse, in violation of Section 368.
- 33 (25) An attempt to commit any crime specified in paragraphs
- 34 (1) to (24), inclusive.
- 35 (e) If two or more persons who are required to report are present
- 36 and jointly have knowledge of a known or suspected instance of
- 37 violence that is required to be reported pursuant to this section,
- 38 and if there is an agreement among these persons to report as a
- 39 team, the team may select by mutual agreement a member of the
- 40 team to make a report by telephone and a single written report, as

1 required by subdivision (b). The written report shall be signed by
2 the selected member of the reporting team. A member who has
3 knowledge that the member designated to report has failed to do
4 so shall thereafter make the report.

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

7 (g) A supervisor or administrator shall not impede or inhibit the
8 reporting duties required under this section and a person making
9 a report pursuant to this section shall not be subject to sanction for
10 making the report. However, internal procedures to facilitate
11 reporting and apprise supervisors and administrators of reports
12 may be established, except that these procedures shall not be
13 inconsistent with this article. The internal procedures shall not
14 require an employee required to make a report under this article
15 to disclose his or her identity to the employer.

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

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