

Senate Bill No. 857

CHAPTER 860

An act to add Section 13823.93 to the Penal Code, relating to evidentiary examinations.

[Approved by Governor October 12, 1995. Filed with Secretary of State October 13, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 857, M. Thompson. Evidentiary examinations.

Existing law requires the Office of Criminal Justice Planning, in consultation with an advisory committee, to establish a protocol for the examination and treatment of victims of sexual assault and attempted sexual assault, including child molestation.

This bill would require 2 hospital-based training centers to be established through a competitive bidding process to train medical personnel on how to perform medical evidentiary examinations of victims of child abuse and neglect, sexual assault, elder abuse, or domestic violence. The bill would specify the characteristics and the responsibilities of the centers.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The response of California's health care system to victims of violence, especially women and children, is inconsistent, in terms of both access to services and competence of health care workers. While services provided in some metropolitan centers may be excellent, access to trained medical practitioners is restricted and unevenly distributed throughout the state.

(b) Many rural, mid-sized counties and geographically large urban areas lack health professionals who are properly trained in providing evidentiary examinations, collection, preservation, and documentation of evidence, and interpretation of findings, and who are experienced in collaborating with law enforcement agencies and investigating social workers. This results in victims being improperly examined and law enforcement agencies lacking critical evidence.

(c) To appropriately respond to the medical care needs of victims of domestic violence, child abuse, elder abuse, and sexual assault, and to provide comprehensive, competent evidentiary examinations for use by law enforcement agencies, it is necessary to take immediate steps to ensure there are appropriately trained medical professionals throughout California.



SEC. 2. Section 13823.93 is added to the Penal Code, to read:

13823.93. (a) For purposes of this section, the following definitions apply:

(1) “Medical personnel” includes physicians, nurse practitioners, physician assistants, and nurses.

(2) To “perform a medical evidentiary examination” means to evaluate, collect, preserve, and document evidence, interpret findings, and document examination results.

(b) Two hospital-based training centers, one in northern California and one in southern California, shall be established through a competitive bidding process, to train medical personnel on how to perform medical evidentiary examinations of child victims of physical or sexual abuse or neglect. The centers also shall provide training for investigative and court personnel involved in dependency and criminal proceedings, on how to interpret the findings of medical evidentiary examinations.

The centers also shall train medical personnel on how to perform medical evidentiary examinations for victims of sexual assault, victims of spousal abuse, and victims of elder abuse.

The training centers shall be established over a two-year period, the center in northern California to be established in the first year and the center in southern California to be established in the second year. In addition, it is the intent of the Legislature that three consultation centers be established in future years, subject to an appropriation being made for that purpose.

(c) Training centers shall have all of the following criteria:

(1) Recognized expertise and experience in providing medical evidentiary examinations for child victims of sexual or physical abuse or neglect, or for sexual assault, elder abuse, and domestic violence victims, or both.

(2) Recognized expertise and experience implementing the protocol established pursuant to Section 13823.5.

(3) History of providing training, including, but not limited to, the clinical supervision of trainees and the evaluation of clinical competency.

(4) Recognized expertise and experience in the use of advanced medical technology in the evaluation of child victims of sexual or physical abuse or neglect, or of sexual assault, elder abuse, and domestic violence victims, or both.

(5) Significant history in working with professionals in the field of criminalistics.

(6) Established relationships with local crime laboratories, clinical laboratories, law enforcement agencies, district attorney’s offices, child protective services, victim advocacy programs, and federal investigative agencies.

(7) The capacity for developing a telecommunication network between primary, secondary, and tertiary medical providers.



(8) History of research, particularly involving data bases, in the area of child physical and sexual abuse, sexual assault, elder abuse, or domestic violence.

(d) The training centers shall do all of the following:

(1) Develop and implement a standardized training program for medical personnel.

(2) Develop a telecommunication system network between the training centers and their respective outlying areas, including rural and mid-sized counties. This service shall provide case consultation to medical personnel, law enforcement, and the courts and provide continuing medical education.

(3) Provide ongoing initial, advanced, and specialized training programs.

(4) Develop guidelines for the reporting and management of child physical abuse and neglect, domestic violence, and elder abuse.

(5) Develop guidelines for evaluating the results of training for the medical personnel performing examinations.

(6) Provide training for law enforcement officers, district attorneys, public defenders, investigative social workers, and judges on medical evidentiary examination procedures and the interpretation of findings. This training shall be developed and implemented in collaboration with the Peace Officers Standards and Training Program, the California District Attorney's Association, the California Peace Officers Association, the California Police Chiefs Association, the California Sexual Assault Investigators Association, the California Welfare Directors Association, the California Coalition Against Sexual Assault, the Department of Justice, the Office of Criminal Justice Planning, the California State University at Fresno State Welfare Training Program, and the University of California extension programs.

(7) Promote an interdisciplinary approach in the assessment and management of child abuse and neglect, sexual assault, and domestic violence cases.

(8) Provide training in the dynamics of victimization, including, but not limited to, rape trauma syndrome, battered woman syndrome, and the effects of child abuse and neglect and elder abuse. This training shall be provided by individuals who are recognized as experts within their respective disciplines.

