

**ASSEMBLY BILL**

**No. 807**

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**Introduced by Assembly Member Scott**

February 26, 1997

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An act to amend Section 679.04 of the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, as introduced, Scott. Sexual assault: victim's support.

(1) Existing law provides that a victim of sexual assault or spousal rape has the right to have a sexual assault victim counselor and at least one additional support person chosen by the victim present at any evidentiary, medical, or physical examination or interview by law enforcement authorities or defense attorneys.

This bill would revise the above provision to provide that the victim has a right to have a certified sexual assault victim counselor present at the above specified times, which times would be revised to include medical evidentiary or physical examinations and interviews by law enforcement authorities or defense attorneys. The bill would also provide that prior to the commencement of any medical evidentiary or physical examination, law enforcement interview, or attorney contact, the victim shall be notified verbally or in writing by the attending medical provider, law enforcement authority, district attorney, or defense attorney that the victim has the right to have a certified sexual assault advocate as well as a

support person of the victim’s choosing present at the examination, interview, or contact. By imposing increased duties on local criminal justice systems that are equivalent to those imposed by the establishment of a new 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 no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. 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 679.04 of the Penal Code is  
2 amended to read:

3 679.04. (a) A victim of sexual assault, as defined in  
4 subdivisions (a) and (b) of Section 11165.1, or spousal  
5 rape has the right to have—~~advocates~~ *a certified sexual*  
6 *assault advocate and at least one other support person of*  
7 *the victim’s choosing* present at any medical evidentiary;  
8 ~~medical~~, or physical examination or interview by law  
9 enforcement authorities or defense attorneys. As used in  
10 this section, ~~“advocates”~~ “*advocate*” means a sexual  
11 assault victim counselor, as defined in Section 1035.2 of  
12 the Evidence Code, ~~and at least one additional support~~  
13 ~~person chosen by the victim.~~

14 (b) *Prior to the commencement of any medical*  
15 *evidentiary or physical examination, law enforcement*  
16 *interview, or attorney contact pertaining to any civil or*  
17 *criminal action arising out of a sexual assault, a victim of*  
18 *sexual assault or spousal rape shall be notified verbally or*  
19 *in writing by the attending medical provider, law*  
20 *enforcement authority, district attorney, or defense*  
21 *attorney that the victim has the right to have a certified*  
22 *sexual assault advocate as well as a support person of the*



1 *victim's choosing present at the examination, interview,*  
2 *or contact.*

3 SEC. 2. No reimbursement is required by this act  
4 pursuant to Section 6 of Article XIII B of the California  
5 Constitution because the only costs that may be incurred  
6 by a local agency or school district will be incurred  
7 because this act creates a new crime or infraction,  
8 eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section  
10 17556 of the Government Code, or changes the definition  
11 of a crime within the meaning of Section 6 of Article  
12 XIII B of the California Constitution.

13 Notwithstanding Section 17580 of the Government  
14 Code, unless otherwise specified, the provisions of this act  
15 shall become operative on the same date that the act  
16 takes effect pursuant to the California Constitution.

17 SEC. 3. This act is an urgency statute necessary for the  
18 immediate preservation of the public peace, health, or  
19 safety within the meaning of Article IV of the  
20 Constitution and shall go into immediate effect. The facts  
21 constituting the necessity are:

22 The failure to provide notice to a victim of sexual assault  
23 that he or she has a right to have a certified sexual assault  
24 advocate as well as a support person of the victim's  
25 choosing present at specified examinations, interviews, or  
26 attorney contacts relating to the sexual assault has led to  
27 many unfortunate situations. In order to remedy this  
28 situation as soon as possible, it is necessary that this act go  
29 into immediate effect.

