

AMENDED IN SENATE SEPTEMBER 2, 1999

AMENDED IN SENATE JUNE 29, 1999

AMENDED IN ASSEMBLY MARCH 18, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 403

**Introduced by Assembly Member Romero
(Coauthors: Assembly Members Davis, Honda, Keeley, Knox,
Kuehl, Pescetti, Scott, Steinberg, Strom-Martin, and
Thomson)**

(Coauthors: Senators Bowen, Chesbro, Hayden, and Solis)

February 12, 1999

An act to add Section 6228 to the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Romero. Domestic violence.

Existing law establishes procedures for the prevention of domestic violence and provides both civil and criminal sanctions for acts of domestic violence.

This bill would require each state and local law enforcement agency to provide, ~~as specified,~~ *a without imposing a fee, one copy of a any domestic violence incident report face sheet, domestic violence incident report relating to an incident of domestic violence, or both, upon request, to a victim of the domestic violence within a specified amount of time when the victim requests a copy,* thereby imposing a state-mandated local program. ~~The bill would prohibit any~~

~~fee for one copy and would apply to requests made within 5 years of the date of the report.~~

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 6228 is added to the Family
2 Code, to read:

3 ~~6228. (a) Each state and local law enforcement~~
4 ~~agency shall make available to a victim one copy of a~~
5 ~~domestic violence incident report during regular~~
6 ~~business hours no later than two working days after being~~
7 ~~requested by the victim, unless the law enforcement~~
8 ~~agency, for good cause and in writing, informs the victim~~
9 ~~of the reasons why the report is not available in a~~
10 ~~particular case, in which case the report shall be made~~
11 ~~available to the victim no later than 10 days after the~~
12 ~~request is made.~~

13 ~~(b) There shall be no fee charged for the provision of~~
14 ~~one copy of any report relating to an incident of domestic~~
15 ~~violence.~~

16 ~~(c) This section shall apply to requests made within~~
17 ~~five years of the date of the report relating to an incident~~
18 ~~of domestic violence.~~

19 *6228. (a) State and local law enforcement agencies*
20 *shall provide, without charging a fee, one copy of all*
21 *domestic violence incident report face sheets, one copy*
22 *of all domestic violence incident reports, or both, to a*



1 victim of domestic violence, upon request. For purposes
2 of this section, “domestic violence” has the definition
3 given in Section 6211.

4 (b) A copy of a domestic violence incident report face
5 sheet shall be made available during regular business
6 hours to a victim of domestic violence no later than 48
7 hours after being requested by the victim, unless the state
8 or local law enforcement agency informs the victim of the
9 reasons why, for good cause, the domestic violence
10 incident report face sheet is not available, in which case
11 the domestic violence incident report face sheet shall be
12 made available to the victim no later than five working
13 days after the request is made.

14 (c) A copy of the domestic violence incident report
15 shall be made available during regular business hours to
16 a victim of domestic violence no later than five working
17 days after being requested by a victim, unless the state or
18 local law enforcement agency informs the victim of the
19 reasons why, for good cause, the domestic violence
20 incident report is not available, in which case the
21 domestic violence incident report shall be made available
22 to the victim no later than 10 working days after the
23 request is made.

24 (d) Persons requesting copies under this section shall
25 present state or local law enforcement with identification
26 at the time a request is made.

27 (e) This section shall apply to requests for face sheets
28 or reports made within five years from the date of
29 completion of the domestic violence incidence report.

30 (f) This section shall be known, and may be cited, as
31 the Access to Domestic Violence Reports Act of 1999.

32 SEC. 2. Notwithstanding Section 17610 of the
33 Government Code, if the Commission on State Mandates
34 determines that this act contains costs mandated by the
35 state, reimbursement to local agencies and school
36 districts for those costs shall be made pursuant to Part 7
37 (commencing with Section 17500) of Division 4 of Title
38 2 of the Government Code. If the statewide cost of the
39 claim for reimbursement does not exceed one million



1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

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