

ASSEMBLY BILL

No. 1819

Introduced by Assembly Member Shelley

(Principal coauthor: Senator Speier)

(Coauthors: Assembly Members Cardoza, Dutra, Honda, Keeley, Knox, Kuehl, Leach, Lowenthal, Machado, Scott, Soto, Strom-Martin, and Washington)

(Coauthors: Senators Alpert and Karnette)

February 3, 2000

An act to amend Section 13515 of the Penal Code and to amend Sections 15610.43 and 15610.53 of the Welfare and Institutions Code, relating to elder abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 1819, as introduced, Shelley. Elder abuse.

Existing law requires police officers and deputy sheriffs assigned field or investigate duties to complete an elder abuse training course certified by the Commission on Peace Officer Standards and Training. The training is required to include specified subjects.

This bill would recast the specified subjects and would add to the list of required subjects physical and psychological abuse of elders, and the role of the local adult protective services and public guardian offices. The bill would also require the Attorney General's office in conjunction with the Health and Human Services Agency to establish a statewide elder abuse awareness media campaign.

Existing law establishes the Elder Abuse and Dependent Adult Civil Protection Act which, among other things,

requires specified mandated reporters to report instances of elder abuse, as defined, under certain circumstances and requires those reports to be investigated by local law enforcement and child protective agencies as specified. Elder abuse is defined to include isolation of an elder.

This bill would expand the definition of isolation to include convincing or persuading an elder or dependent adult by deliberately false or misleading statements or by deceptive acts that cause the elder or dependent adult to believe that his or her family, friends, or concerned persons wish to terminate all contact with him or her or are not acting in his or her best interest. By expanding the definition of reportable elder or dependent abuse, this bill would impose increased duties on local officials.

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 13515 of the Penal Code is
 2 amended to read:
 3 13515. (a) Every city police officer or deputy sheriff
 4 at a supervisory level and below who is assigned field or
 5 investigative duties shall complete an elder abuse
 6 training course certified by the Commission on Peace
 7 Officer Standards and Training ~~by January 1, 1999, or~~
 8 within 18 months of assignment to field duties.
 9 Completion of the course may be satisfied by telecourse,
 10 video training tape, or other instruction. The training



1 shall, at a minimum, ~~address relevant laws, recognition,~~
2 ~~reporting requirements and procedures, neglect, and~~
3 ~~fraud.~~ *include all of the following subjects:*

- 4 (1) *Relevant laws.*
- 5 (2) *Recognition of elder abuse.*
- 6 (3) *Reporting requirements and procedures.*
- 7 (4) *Neglect of elders.*
- 8 (5) *Fraud of elders.*
- 9 (6) *Physical abuse of elders*
- 10 (7) *Psychological abuse of elders.*
- 11 (8) *The role of the local adult protective services and*
12 *public guardian offices.*

13 (b) *The topical areas above reflect the elder abuse*
14 *course curricula currently approved by the Commission.*
15 The course may be presented as part of a training
16 program that includes other subjects or courses.

17 (c) *The Attorney General's office in conjunction with*
18 *the Health and Human Services Agency shall establish a*
19 *statewide elder abuse awareness media campaign.*

20 SEC. 2. Section 15610.43 of the Welfare and
21 Institutions Code is amended to read:

22 15610.43. (a) "Isolation" means any of the following:

23 (1) Acts intentionally committed for the purpose of
24 preventing, and that do serve to prevent, an elder or
25 dependent adult from receiving his or her mail or
26 telephone calls.

27 (2) Telling a caller or prospective visitor that an elder
28 or dependent adult is not present, or does not wish to talk
29 with the caller, or does not wish to meet with the visitor
30 where the statement is false, is contrary to the express
31 wishes of the elder or the dependent adult, whether he
32 or she is competent or not, and is made for the purpose
33 of preventing the elder or dependent adult from having
34 contact with family, friends, or concerned persons.

35 (3) False imprisonment, as defined in Section 236 of
36 the Penal Code.

37 (4) Physical restraint of an elder or dependent adult,
38 for the purpose of preventing the elder or dependent
39 adult from meeting with visitors.



1 (5) *Convincing or persuading an elder or dependent*
2 *adult by deliberately false or misleading statements or by*
3 *deceptive acts that cause the elder or dependent adult to*
4 *believe that his or her family, friends, or concerned*
5 *persons wish to terminate all contact with him or her,*
6 *including, but not limited to, termination of telephone*
7 *calls or visits, or that his or her family, friends, or*
8 *concerned persons are not acting in his or her best*
9 *interest.*

10 (b) The acts set forth in subdivision (a) shall be subject
11 to a rebuttable presumption that they do not constitute
12 isolation if they are performed pursuant to the
13 instructions of a physician and surgeon licensed to
14 practice medicine in the state, who is caring for the elder
15 or dependent adult at the time the instructions are given,
16 and who gives the instructions as part of his or her medical
17 care.

18 (c) The acts set forth in subdivision (a) shall not
19 constitute isolation if they are performed in response to
20 a reasonably perceived threat of danger to property or
21 physical safety.

22 SEC. 3. Section 15610.53 of the Welfare and
23 Institutions Code is amended to read:

24 15610.53. “Mental suffering” means fear, agitation,
25 confusion, severe depression, or other forms of serious
26 emotional distress that is brought about by threats,
27 harassment, or other forms of intimidating behavior *or by*
28 *deliberately false or misleading statements or deceptive*
29 *acts specifically intended to isolate that elder or*
30 *dependent adult pursuant to paragraph (5) of subdivision*
31 *(a) of Section 15610.43.*

32 SEC. 4. 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.

O

