

AMENDED IN SENATE AUGUST 14, 2000

AMENDED IN SENATE JUNE 8, 2000

AMENDED IN ASSEMBLY MAY 26, 2000

AMENDED IN ASSEMBLY APRIL 27, 2000

AMENDED IN ASSEMBLY APRIL 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2598**

**Introduced by Assembly Member Battin**

February 25, 2000

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An act to amend ~~and repeal Section 290.4 of the Penal Code, relating to sex offenders.~~ *Section 4709 of the Labor Code, relating to workers' compensation death benefits.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2598, as amended, Battin. ~~Sex offenders—Workers' Compensation: death benefits.~~

*Existing law provides for the payment of a scholarship to dependents of specified peace officers, correctional officers, and firefighters if the peace officer, correctional officer, or firefighter is killed in the performance of his or her duty or if death or permanent disability is suffered by the peace officer, correctional officer, or firefighter as a result of specified accidents or injuries incurred in the performance of his or her duty. Eligibility for the scholarship is limited to dependents who demonstrate financial need to the Student Aid Commission.*

*This bill would remove the eligibility limitation that requires demonstration of financial need to the Student Aid Commission.*

~~Existing law requires the Department of Justice to operate a “900” telephone number program for the purpose of making information available to the public regarding registered sex offenders. The department is also required to provide and distribute to specified local law enforcement agencies a CD-ROM or other electronic medium containing the same information provided through the “900” telephone number program, except as specified, and requires local officials to provide public access to this information. Misuse of this information is a misdemeanor. These requirements terminate on January 1, 2001.~~

~~This bill would extend the above January 1, 2001, sunset clause until January 1, 2003. By extending the operation of the above provisions, this bill would extend the operation of criminal prohibitions and other duties of local agencies and would therefore 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, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.~~

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

1 SECTION 1. Section 290.4 of the Penal Code is  
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1 SECTION 1. Section 4709 of the Labor Code is  
2 amended to read:

3 4709. (a) Notwithstanding any other provisions of  
4 law, a dependent of a peace officer, as defined in Section  
5 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35,  
6 830.36, 830.37, 830.38, 830.39, 830.4, 830.5, or 830.6 of the  
7 Penal Code, who is killed in the performance of duty or  
8 who dies or is totally disabled as a result of an accident or  
9 an injury caused by external violence or physical force,  
10 incurred in the performance of duty, when the death,  
11 accident, or injury is compensable under this division or  
12 Division 4.5 (commencing with Section 6100) shall be  
13 entitled to a scholarship at any institution described in  
14 subdivision (k) of Section 69535 of the Education Code.  
15 The scholarship shall be in an amount equal to the amount  
16 provided a student who has been awarded a Cal Grant  
17 scholarship as specified in Article 3 (commencing with  
18 Section 69530) of Chapter 2 of Part 42 of the Education  
19 Code. ~~Eligibility for a scholarship under this section shall~~  
20 ~~be limited to a person who demonstrates financial need~~  
21 ~~as determined by the Student Aid Commission pursuant~~  
22 ~~to Article 1.5 (commencing with Section 69503) of~~  
23 ~~Chapter 2 of Part 42 of the Education Code.~~

24 (b) A dependent of an officer or employee of the  
25 Department of Corrections or the Department of the  
26 Youth Authority described in Section 20017.77 of the  
27 Government Code who is killed in the performance of  
28 duty, or who dies or is totally disabled as a result of an  
29 accident or an injury incurred in the performance of  
30 duty, when the death, accident, or injury is caused by the  
31 direct action of an inmate, and is compensable under this  
32 division or Division 4.5 (commencing with Section 6100),  
33 shall also be entitled to a scholarship specified in this  
34 section.

35 (c) Notwithstanding any other provisions of law, a  
36 dependent of a firefighter employed by a county, city,  
37 city and county, district, or other political subdivision of  
38 the state, who is killed in the performance of duty or who  
39 dies or is totally disabled as a result of an accident or injury  
40 incurred in the performance of duty, when the death,



1 accident, or injury is compensable under this division or  
2 Division 4.5 (commencing with Section 6100), shall also  
3 be entitled to a scholarship specified in this section.

4 (d) Nothing in this section shall be interpreted to allow  
5 the admittance of the dependent into a college or  
6 university unless the dependent is otherwise qualified to  
7 gain admittance to the college or university.

8 (e) The scholarship provided for by this section shall  
9 be paid out of funds annually appropriated in the Budget  
10 Act to the Student Aid Commission established by Article  
11 2 (commencing with Section 69510) of Chapter 2 of Part  
12 42 of the Education Code.

13 (f) The receipt of a scholarship provided for by this  
14 section shall not preclude a dependent from receiving a  
15 Cal Grant award pursuant to Article 3 (commencing with  
16 Section 69530) of Chapter 2 of Part 42 of the Education  
17 Code, any other grant, or any fee waivers that may be  
18 provided by an institution of higher education. The  
19 receipt of a Cal Grant award pursuant to Article 3  
20 (commencing with Section 69530) of Chapter 2 of Part 42  
21 of the Education Code, any other grant, or any fee  
22 waivers that may be provided by an institution of higher  
23 education shall not preclude a dependent from receiving  
24 a scholarship provided for by this section.

25 (g) The amendments made to this section during the  
26 1995 portion of the 1995–96 Regular Session shall apply to  
27 a student receiving a scholarship on the effective date of  
28 the amendments unless that application would result in  
29 the student receiving a scholarship on less favorable  
30 terms or in a lesser amount, in which case the student shall  
31 continue to receive the scholarship on the same terms  
32 and conditions in effect prior to the effective date of the  
33 amendments.

34 (h) As used in this section, “dependent” means the  
35 children (natural or adopted) or spouse, at the time of the  
36 death or injury, of the peace officer, law enforcement  
37 officer, or firefighter.



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**All matter omitted in this version of the bill appears in the bill as amended in the Senate, June 8, 2000 (JR 11)**

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