

## Assembly Bill No. 733

### CHAPTER 136

An act to amend Section 43.92 of the Civil Code, relating to personal rights.

[Approved by Governor August 22, 2006. Filed with  
Secretary of State August 22, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 733, Nation. Psychotherapists: duty to warn.

Existing law provides that no monetary liability and no cause of action shall arise against a psychotherapist, as defined, for failing to warn and protect from a patient's threatened violent behavior except where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. Existing law also specifies that if there is a duty to warn and protect under the limited circumstances specified above, that duty is discharged by the psychotherapist making reasonable efforts to communicate the threat to the victim or victims and to a law enforcement agency.

This bill would revise that latter provision to instead specify that there is no monetary liability and no cause of action shall arise against a psychotherapist who, under the limited circumstances described above, discharges his or her duty to warn and protect by making reasonable efforts to communicate the threat to the victim or victims and to a law enforcement agency.

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

SECTION 1. Section 43.92 of the Civil Code is amended to read:

43.92. (a) There shall be no monetary liability on the part of, and no cause of action shall arise against, any person who is a psychotherapist as defined in Section 1010 of the Evidence Code in failing to warn of and protect from a patient's threatened violent behavior or failing to predict and warn of and protect from a patient's violent behavior except where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims.

(b) There shall be no monetary liability on the part of, and no cause of action shall arise against, a psychotherapist who, under the limited circumstances specified above, discharges his or her duty to warn and

protect by making reasonable efforts to communicate the threat to the victim or victims and to a law enforcement agency.

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