

ASSEMBLY BILL

No. 789

Introduced by Assembly Member Lieber

February 18, 2005

An act to add Title 9 (commencing with Section 14100) to Part 4 of the Penal Code, relating to disabled persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 789, as introduced, Lieber. Crimes against individuals with disabilities.

Existing law requires each sheriff or police chief executive to furnish specified information regarding crimes to the Department of Justice.

This bill would require each law enforcement agency, during the next substantive revision of the local forms used to collect and report criminal statistics to the department, but in no event later than January 1, 2009, to modify the local forms to allow identification of whether or not the victim of the crime has a disability and, if so, whether the disability is psychiatric, cognitive, or physical. It would require each law enforcement agency to develop a protocol during criminal investigations to note in crime reports whether or not the officer or officers investigating the criminal activity identified the victim as disabled. By imposing new requirements on local officials, the bill would impose a state-mandated local program.

The bill would require the Attorney General to include specified information regarding crime victims with disabilities in his or her annual "Crime in California" 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.

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. Title 9 (commencing with Section 14100) is
2 added to Part 4 of the Penal Code, to read:

3
4 TITLE 9. TRACKING AND REPORTING OF CRIMES
5 AGAINST INDIVIDUALS WITH DISABILITIES
6

7 14100. (a) Each law enforcement agency shall, during the
8 next substantive revision of the local forms used to collect and
9 report criminal statistics to the Department of Justice, but in no
10 event later than January 1, 2009, modify the local forms to allow
11 identification of whether or not the victim of the crime has a
12 disability and, if so, whether the disability is psychiatric,
13 cognitive, or physical.

14 (b) Each law enforcement agency shall develop a protocol
15 during criminal investigations to note in crime reports whether or
16 not the officer or officers investigating the criminal activity
17 identified the victim as having a disability. The protocol shall
18 require that, if there is a doubt regarding the victim’s disability
19 status, the officer ask the victim if he or she has a disability and
20 note the response. If the victim declines to answer the officer, the
21 disability status shall be reported as unknown.

22 14101. The Attorney General shall include in his or her
23 annual “Crime in California” report, at a minimum, the following
24 information based upon information submitted in compliance
25 with Section 14100:

26 (a) The number of crimes that involve criminal victims with
27 disabilities.

28 (b) The number of crime reports that involve crime victims
29 with disabilities by type of crime reported and by the three

1 categories of disability identified in subdivision (a) of Section
2 14100.

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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