

AMENDED IN ASSEMBLY MARCH 2, 2006

SENATE BILL

No. 1062

Introduced by Senator Bowen

February 22, 2005

An act to amend Sections 6205, 6205.5, and 6206 of, and to amend the heading of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of, the Government Code, to amend Section 124250 of the Health and Safety Code, and to amend Section 13823.15 of the Penal Code, relating to ~~domestic violence~~ victims of crime..

LEGISLATIVE COUNSEL'S DIGEST

SB 1062, as amended, Bowen. ~~Domestic violence.~~ *Victims of crime: domestic violence and sexual assault.*

~~Existing~~

(1) *Existing law authorizes victims of domestic violence or stalking to complete an application in person at a community-based victims' assistance program to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Any person who makes a false statement in an application is guilty of a misdemeanor.*

This bill would include victims of sexual assault within these provisions. By including a new category of eligible persons, this bill would impose new duties on local public officials and expand the scope of an existing crime, thereby creating a state-mandated local program.

(2) *Existing law provides that there is in the Office of Emergency Services a Comprehensive Statewide Domestic Violence Program that provides financial and technical assistance to domestic violence shelter service providers. Existing law also provides that the Maternal and Child Health Branch of the State Department of Health Services shall administer a comprehensive shelter-based grant program to battered women's shelters.*

This bill would provide that if an agency receives funding from both programs during any grant cycle, the Comprehensive Statewide Domestic Violence Program and the Maternal and Child Health Branch shall coordinate agency site visits and share performance assessment data to reduce administrative costs. This bill would make other conforming changes.

(3) *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 with regard to certain mandates, no reimbursement is required by the bill 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 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: ~~no~~-yes.

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

1 SECTION 1. *The heading of Chapter 3.1 (commencing with*
2 *Section 6205) of Division 7 of Title 1 of the Government Code is*
3 *amended to read:*

4
5 CHAPTER 3.1.
6 ADDRESS CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE,
7 SEXUAL ASSAULT, AND STALKING
8

9 SEC. 2. *Section 6205 of the Government Code is amended to*
10 *read:*

11 6205. The Legislature finds that persons attempting to escape
12 from actual or threatened domestic violence, *sexual assault*, or

1 stalking frequently establish new names or addresses in order to
2 prevent their assailants or probable assailants from finding them.
3 The purpose of this chapter is to enable state and local agencies
4 to respond to requests for public records without disclosing the
5 changed name or location of a victim of domestic violence,
6 *sexual assault*, or stalking, to enable interagency cooperation
7 with the Secretary of State in providing name and address
8 confidentiality for victims of domestic violence, *sexual assault*,
9 or stalking, and to enable state and local agencies to accept a
10 program participant's use of an address designated by the
11 Secretary of State as a substitute mailing address.

12 *SEC. 3. Section 6205.5 of the Government Code is amended*
13 *to read:*

14 6205.5. Unless the context clearly requires otherwise, the
15 definitions in this section apply throughout this chapter.

16 (a) "Address" means a residential street address, school
17 address, or work address of an individual, as specified on the
18 individual's application to be a program participant under this
19 chapter.

20 (b) "Domestic violence" means an act as defined in Section
21 6211 of the Family Code.

22 (c) "Program participant" means a person certified as a
23 program participant under Section 6206.

24 (d) "Sexual assault" means an act or attempt made
25 punishable by Section 220, 261, 261.5, 262, 264.1, 266c, 285,
26 286, 288, 288a, or 647.6 of the Penal Code.

27 (e) "Stalking" means an act as defined in Section 646.9 of the
28 Penal Code.

29 ~~(d) "Program participant" means a person certified as a~~
30 ~~program participant under Section 6206.~~

31 *SEC. 4. Section 6206 of the Government Code is amended to*
32 *read:*

33 6206. (a) An adult person, a parent or guardian acting on
34 behalf of a minor, or a guardian acting on behalf of an
35 incapacitated person may apply to the Secretary of State to have
36 an address designated by the Secretary of State serve as the
37 person's address or the address of the minor or incapacitated
38 person. An application shall be completed in person at a
39 community-based victims' assistance program. The application
40 process shall include a requirement that the applicant shall meet

1 with a victims' assistance counselor and receive orientation
2 information about the program. The Secretary of State shall
3 approve an application if it is filed in the manner and on the form
4 prescribed by the Secretary of State and if it contains all of the
5 following:

6 (1) A sworn statement by the applicant that the applicant has
7 good reason to believe both of the following:

8 (A) That the applicant, or the minor or incapacitated person on
9 whose behalf the application is made, is a victim of domestic
10 violence, *sexual assault*, or stalking.

11 (B) That the applicant fears for his or her safety or his or her
12 children's safety, or the safety of the minor or incapacitated
13 person on whose behalf the application is made.

14 (2) If the applicant alleges that the basis for the application is
15 that the applicant, or the minor or incapacitated person on whose
16 behalf the application is made, is a victim of domestic violence
17 or *sexual assault*, the application may be accompanied by
18 evidence including, but not limited to, any of the following:

19 (A) Police, court, or other government agency records or files.

20 (B) Documentation from a domestic violence or *sexual assault*
21 program if the person is alleged to be a victim of domestic
22 violence or *sexual assault*.

23 (C) Documentation from a legal, clerical, medical, or other
24 professional from whom the applicant or person on whose behalf
25 the application is made has sought assistance in dealing with the
26 alleged domestic violence or *sexual assault*.

27 (D) Any other evidence that supports the sworn statement,
28 such as a statement from any other individual with knowledge of
29 the circumstances that provides the basis for the claim, or
30 physical evidence of the act or acts of domestic violence or
31 *sexual assault*.

32 (3) If the applicant alleges that the basis for the application is
33 that the applicant, or the minor or incapacitated person on whose
34 behalf the application is made, is a victim of stalking, the
35 application shall be accompanied by evidence including, but not
36 limited to, any of the following:

37 (A) Police, court, or other government agency records or files.

38 (B) Legal, clerical, medical, or other professional from whom
39 the applicant or person on whose behalf the application is made
40 has sought assistance in dealing with the alleged stalking.

1 (C) Any other evidence that supports the sworn statement,
2 such as a sworn statement from any other individual with
3 knowledge of the circumstances that provide the basis for the
4 claim, or physical evidence of the act or acts of stalking.

5 (4) A statement of whether there are any existing court orders
6 involving the applicant for child support, child custody, or child
7 visitation, and whether there are any active court actions
8 involving the applicant for child support, child custody, or child
9 visitation, the name and address of legal counsel of record, and
10 the last known address of the other parent or parents involved in
11 those court orders or court actions.

12 (5) A designation of the Secretary of State as agent for
13 purposes of service of process and for the purpose of receipt of
14 mail.

15 (A) Service on the Secretary of State of any summons, writ,
16 notice, demand, or process shall be made by delivering to the
17 address confidentiality program personnel of the Office of the
18 Secretary of State two copies of the summons, writ, notice,
19 demand, or process.

20 (B) If a summons, writ, notice, demand, or process is served
21 on the Secretary of State, the Secretary of State shall immediately
22 cause a copy to be forwarded to the program participant at the
23 address shown on the records of the address confidentiality
24 program so that the summons, writ, notice, demand, or process is
25 received by the program participant within three days of the
26 Secretary of State's having received it.

27 (C) The Secretary of State shall keep a record of all
28 summonses, writs, notices, demands, and processes served upon
29 the Secretary of State under this section and shall record the time
30 of that service and the Secretary of State's action.

31 (D) The office of the Secretary of State and any agent or
32 person employed by the Secretary of State shall be held harmless
33 from any liability in any action brought by any person injured or
34 harmed as a result of the handling of first-class mail on behalf of
35 program participants.

36 (6) The mailing address where the applicant can be contacted
37 by the Secretary of State, and the phone number or numbers
38 where the applicant can be called by the Secretary of State.

(7) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, *sexual assault*, or stalking.

(8) The signature of the applicant and of any individual or representative of any office designated in writing under Section 6208.5 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the Secretary of State.

(c) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State shall by rule establish a renewal procedure.

(d) Upon certification, in any case where there are court orders or court actions identified in paragraph (4) of subdivision (a) of ~~Section 6206~~ and there is no other or superseding court order dictating the specific terms of communication between the parties, the Secretary of State shall, within 10 days, notify the other parent or parents of the address designated by the Secretary of State for the program participant and the designation of the Secretary of State as agent for purposes of service of process. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent to be notified. A copy shall also be sent to that parent's counsel of record.

(e) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision.

SECTION 1.

SEC. 5. Section 124250 of the Health and Safety Code is amended to read:

1 124250. (a) The following definitions shall apply for
2 purposes of this section:

3 (1) “Domestic violence” means the infliction or threat of
4 physical harm against past or present adult or adolescent female
5 intimate partners, and shall include physical, sexual, and
6 psychological abuse against the woman, and is a part of a pattern
7 of assaultive, coercive, and controlling behaviors directed at
8 achieving compliance from or control over, that woman.

9 (2) “Shelter-based” means an established system of services
10 where battered women and their children may be provided safe
11 or confidential emergency housing on a 24-hour basis, including,
12 but not limited to, hotel or motel arrangements, haven, and safe
13 houses.

14 (3) “Emergency shelter” means a confidential or safe location
15 that provides emergency housing on a 24-hour basis for battered
16 women and their children.

17 (b) The Maternal and Child Health Branch of the State
18 Department of Health Services shall administer a comprehensive
19 shelter-based services grant program to battered women’s
20 shelters pursuant to this section.

21 (c) The Maternal and Child Health Branch shall administer
22 grants, awarded as the result of a request for application process,
23 to battered women’s shelters that propose to maintain shelters or
24 services previously granted funding pursuant to this section, to
25 expand existing services or create new services, and to establish
26 new battered women’s shelters to provide services, in any of the
27 following four areas:

28 (1) Emergency shelter to women and their children escaping
29 violent family situations.

30 (2) Transitional housing programs to help women and their
31 children find housing and jobs so that they are not forced to
32 choose between returning to a violent relationship or becoming
33 homeless. The programs may offer up to 18 months of housing,
34 case management, job training and placement, counseling,
35 support groups, and classes in parenting and family budgeting.

36 (3) Legal and other types of advocacy and representation to
37 help women and their children pursue the appropriate legal
38 options.

39 (4) Other support services for battered women and their
40 children.

(d) (1) The Maternal and Child Health Branch of the State Department of Health Services shall conduct a minimum of one site visit per grant term to each agency funded to provide shelter-based services to battered women and their children. The purpose of the site visit shall be a performance assessment of, and technical assistance for, each agency visited. The performance assessment shall include, but need not be limited to, a review of all of the following:

- (A) Progress in meeting program goals and objectives.
- (B) Agency organization and facilities.
- (C) Personnel policies, files, and training.
- (D) Recordkeeping, budgeting, and expenditures.
- (E) Documentation, data collection, and client confidentiality.

(2) Subsequent to each site visit conducted under paragraph (1), the Maternal and Child Health Branch shall provide a written report to the agency summarizing the agency's performance, any deficiencies noted, and any corrective action needed.

(3) If an agency receives funding from both the Maternal and Child Health Branch of the State Department of Health Services and the Comprehensive Statewide Domestic Violence Program in the Office of Emergency Services during any grant cycle, the Maternal and Child Health Branch and the Comprehensive Statewide Domestic Violence Program shall, to the extent feasible, coordinate agency site visits and share performance assessment data with the goal of improving efficiency, eliminating duplication, and reducing administrative costs.

(e) In implementing the grant program pursuant to this section, the State Department of Health Services shall consult with an advisory council that shall remain in existence until January 1, 2006. The council shall be composed of not to exceed 13 voting members and two nonvoting members appointed as follows:

- (1) Seven members appointed by the Governor.
- (2) Three members appointed by the Speaker of the Assembly.
- (3) Three members appointed by the Senate Committee on Rules.

(4) Two nonvoting ex officio members who shall be Members of the Legislature, one appointed by the Speaker of the Assembly and one appointed by the Senate Committee on Rules. Any Member of the Legislature appointed to the council shall meet with, and participate in the activities of, the council to the extent

1 that participation is not incompatible with his or her position as a
2 Member of the Legislature.

3 The membership of the council shall consist of domestic
4 violence advocates, battered women service providers, and
5 representatives of women's organizations, law enforcement, and
6 other groups involved with domestic violence. At least one-half
7 of the council membership shall consist of domestic violence
8 advocates or battered women service providers from
9 organizations such as the California Alliance Against Domestic
10 Violence.

11 It is the intent of the Legislature that the council membership
12 reflect the ethnic, racial, cultural, and geographic diversity of the
13 state.

14 (f) The department shall collaborate closely with the council in
15 the development of funding priorities, the framing of the Request
16 for Proposals, and the solicitation of proposals.

17 (g) (1) The Maternal and Child Health Branch of the State
18 Department of Health Services shall administer grants, awarded
19 as the result of a request for application process, to agencies to
20 conduct demonstration projects to serve battered women,
21 including, but not limited to, creative and innovative service
22 approaches, such as community response teams and pilot projects
23 to develop new interventions emphasizing prevention and
24 education, and other support projects identified by the advisory
25 council.

26 (2) For purposes of this subdivision, "agency" means a state
27 agency, a local government, a community-based organization, or
28 a nonprofit organization.

29 (h) It is the intent of the Legislature that services funded by
30 this program include services in underserved and ethnic and
31 racial communities. Therefore, the Maternal and Child Health
32 Branch of the State Department of Health Services shall do all of
33 the following:

34 (1) Fund shelters pursuant to this section that reflect the
35 ethnic, racial, economic, cultural, and geographic diversity of the
36 state.

37 (2) Target geographic areas and ethnic and racial communities
38 of the state whereby, based on a needs assessment, it is
39 determined that no shelter-based services exist or that additional
40 resources are necessary.

1 (i) The director may award additional grants to shelter-based
2 agencies when it is determined that there exists a critical need for
3 shelter or shelter-based services.

4 (j) As a condition of receiving funding pursuant to this section,
5 battered women's shelters shall do all of the following:

6 (1) Provide matching funds or in-kind contributions equivalent
7 to not less than 20 percent of the grant they would receive. The
8 matching funds or in-kind contributions may come from other
9 governmental or private sources.

10 (2) Ensure that appropriate staff and volunteers having client
11 contact meet the definition of "domestic violence counselor" as
12 specified in subdivision (a) of Section 1037.1 of the Evidence
13 Code. The minimum training specified in paragraph (2) of
14 subdivision (a) of Section 1037.1 of the Evidence Code shall be
15 provided to those staff and volunteers who do not meet the
16 requirements of paragraph (1) of subdivision (a) of Section
17 1037.1 of the Evidence Code.

18 ~~SEC. 2.~~

19 *SEC. 6.* Section 13823.15 of the Penal Code is amended to
20 read:

21 13823.15. (a) The Legislature finds the problem of domestic
22 violence to be of serious and increasing magnitude. The
23 Legislature also finds that existing domestic violence services are
24 underfunded and that some areas of the state are unserved or
25 underserved. Therefore, it is the intent of the Legislature that a
26 goal or purpose of the Office of Emergency Services (OES) shall
27 be to ensure that all victims of domestic violence served by the
28 OES Comprehensive Statewide Domestic Violence Program
29 receive comprehensive, quality services.

30 (b) There is in the OES a Comprehensive Statewide Domestic
31 Violence Program. The goals of the program shall be to provide
32 local assistance to existing service providers, to maintain and
33 expand services based on a demonstrated need, and to establish a
34 targeted or directed program for the development and
35 establishment of domestic violence services in currently unserved
36 and underserved areas. The OES shall provide financial and
37 technical assistance to local domestic violence centers in
38 implementing all of the following services:

39 (1) Twenty-four-hour crisis hotlines.

40 (2) Counseling.

- 1 (3) Business centers.
- 2 (4) Emergency “safe” homes or shelters for victims and
- 3 families.
- 4 (5) Emergency food and clothing.
- 5 (6) Emergency response to calls from law enforcement.
- 6 (7) Hospital emergency room protocol and assistance.
- 7 (8) Emergency transportation.
- 8 (9) Supportive peer counseling.
- 9 (10) Counseling for children.
- 10 (11) Court and social service advocacy.
- 11 (12) Legal assistance with temporary restraining orders,
- 12 devices, and custody disputes.
- 13 (13) Community resource and referral.
- 14 (14) Household establishment assistance.

15 Priority for financial and technical assistance shall be given to
16 emergency shelter programs and “safe” homes for victims of
17 domestic violence and their children.

18 (c) Except as provided in subdivision (f), the OES and the
19 advisory committee established pursuant to Section 13823.16
20 shall collaboratively administer the Comprehensive Statewide
21 Domestic Violence Program, and shall allocate funds to local
22 centers meeting the criteria for funding. All organizations funded
23 pursuant to this section shall utilize volunteers to the greatest
24 extent possible.

25 The centers may seek, receive, and make use of any funds
26 which may be available from all public and private sources to
27 augment any state funds received pursuant to this section.

28 Centers receiving funding shall provide cash or an in-kind
29 match of at least 10 percent of the funds received pursuant to this
30 section.

31 (d) The OES shall conduct statewide training workshops on
32 domestic violence for local centers, law enforcement, and other
33 service providers designed to enhance service programs. The
34 workshops shall be planned in conjunction with practitioners and
35 experts in the field of domestic violence prevention.

36 (e) The OES shall develop and disseminate throughout the
37 state information and materials concerning domestic violence.
38 The OES shall also establish a resource center for the collection,
39 retention, and distribution of educational materials related to
40 domestic violence. The OES may utilize and contract with

1 existing domestic violence technical assistance centers in this
2 state in complying with the requirements of this subdivision.

3 (f) The funding process for distributing grant awards to
4 domestic violence shelter service providers (DVSSPs) shall be
5 administered by the OES as follows:

6 (1) The OES shall establish each of the following:

7 (A) The process and standards for determining whether to
8 grant, renew, or deny funding to any DVSSP applying or
9 reapplying for funding under the terms of the program.

10 (B) For DVSSPs applying for grants under the RFP process
11 described in paragraph (2), a system for grading grant
12 applications in relation to the standards established pursuant to
13 subparagraph (A), and an appeal process for applications that are
14 denied. A description of this grading system and appeal process
15 shall be provided to all DVSSPs as part of the application
16 required under the RFP process.

17 (C) For DVSSPs reapplying for funding under the RFA
18 process described in paragraph (4), a system for grading the
19 performance of DVSSPs in relation to the standards established
20 pursuant to subparagraph (A), and an appeal process for
21 decisions to deny or reduce funding. A description of this grading
22 system and appeal process shall be provided to all DVSSPs
23 receiving grants under this program.

24 (2) Grants for shelters that were not funded in the previous
25 cycle shall be awarded as a result of a competitive request for
26 proposal (RFP) process. The RFP process shall comply with all
27 applicable state and federal statutes for domestic violence shelter
28 funding, and to the extent possible, the response to the RFP shall
29 not exceed 25 narrative pages, excluding attachments.

30 (3) Grants shall be awarded to DVSSPs that propose to
31 maintain shelters or services previously granted funding pursuant
32 to this section, to expand existing services or create new services,
33 or to establish new domestic violence shelters in underserved or
34 unserved areas. Each grant shall be awarded for a three-year
35 term.

36 (4) DVSSPs reapplying for grants shall not be subject to a
37 competitive grant process, but shall be subject to a request for
38 application (RFA) process. The RFA process shall consist in part
39 of an assessment of the past performance history of the DVSSP
40 in relation to the standards established pursuant to paragraph (1).

1 The RFA process shall comply with all applicable state and
2 federal statutes for domestic violence center funding, and to the
3 extent possible, the response to the RFA shall not exceed 10
4 narrative pages, excluding attachments.

5 (5) Any DVSSP funded through this program in the previous
6 grant cycle, including any DVSSP funded by Chapter 707 of the
7 Statutes of 2001, shall be funded upon reapplication, unless,
8 pursuant to the assessment required under the RFA process, its
9 past performance history fails to meet the standards established
10 by the OES pursuant to paragraph (1).

11 (6) The OES shall conduct a minimum of one site visit every
12 three years for each DVSSP funded pursuant to this subdivision.
13 The purpose of the site visit shall be to conduct a performance
14 assessment of, and provide subsequent technical assistance for,
15 each shelter visited. The performance assessment shall include,
16 but need not be limited to, a review of all of the following:

17 (A) Progress in meeting program goals and objectives.

18 (B) Agency organization and facilities.

19 (C) Personnel policies, files, and training.

20 (D) Recordkeeping, budgeting, and expenditures.

21 (E) Documentation, data collection, and client confidentiality.

22 (7) After each site visit conducted pursuant to paragraph (6),
23 the OES shall provide a written report to the DVSSP
24 summarizing the performance of the DVSSP, any deficiencies
25 noted, any corrective action needed, and a deadline for corrective
26 action to be completed. The OES shall also develop a corrective
27 action plan for verifying the completion of any corrective action
28 required. The OES shall submit its written report to the DVSSP
29 no more than 60 days after the site visit. No grant under the RFA
30 process shall be denied if the DVSSP has not received a site visit
31 during the previous three years, unless the OES is aware of
32 criminal violations relative to the administration of grant funding.

33 (8) If an agency receives funding from both the
34 Comprehensive Statewide Domestic Violence Program in the
35 Office of Emergency Services and the Maternal and Child Health
36 Branch of the State Department of Health Services during any
37 grant cycle, the Comprehensive Statewide Domestic Violence
38 Program and the Maternal and Child Health Branch shall, to the
39 extent feasible, coordinate agency site visits and share
40 performance assessment data with the goal of improving

1 efficiency, eliminating duplication, and reducing administrative
2 costs.

3 (9) DVSSPs receiving written reports of deficiencies or orders
4 for corrective action after a site visit shall be given no less than
5 six months' time to take corrective action before the deficiencies
6 or failure to correct may be considered in the next RFA process.
7 However, the OES shall have the discretion to reduce the time to
8 take corrective action in cases where the deficiencies present a
9 significant health or safety risk or when other severe
10 circumstances are found to exist. If corrective action is deemed
11 necessary, and a DVSSP fails to comply, or if other deficiencies
12 exist that, in the judgment of the OES, cannot be corrected, the
13 OES shall determine, using its grading system, whether
14 continued funding for the DVSSP should be reduced or denied
15 altogether. If a DVSSP has been determined to be deficient, the
16 OES may, at any point during the DVSSP's funding cycle
17 following the expiration of the period for corrective action, deny
18 or reduce any further funding.

19 (10) If a DVSSP applies or reapplies for funding pursuant to
20 this section and that funding is denied or reduced, the decision to
21 deny or reduce funding shall be provided in writing to the
22 DVSSP, along with a written explanation of the reasons for the
23 reduction or denial made in accordance with the grading system
24 for the RFP or RFA process. Except as otherwise provided, any
25 appeal of the decision to deny or reduce funding shall be made in
26 accordance with the appeal process established by the OES. The
27 appeal process shall allow a DVSSP a minimum of 30 days to
28 appeal after a decision to deny or reduce funding. All pending
29 appeals shall be resolved before final funding decisions are
30 reached.

31 (11) It is the intent of the Legislature that priority for
32 additional funds that become available shall be given to currently
33 funded, new, or previously unfunded DVSSPs for expansion of
34 services. However, the OES may determine when expansion is
35 needed to accommodate underserved or unserved areas. If
36 supplemental funding is unavailable, the OES shall have the
37 authority to lower the base level of grants to all currently funded
38 DVSSPs in order to provide funding for currently funded, new,
39 or previously unfunded DVSSPs that will provide services in
40 underserved or unserved areas. However, to the extent

1 reasonable, funding reductions shall be reduced proportionately
2 among all currently funded DVSSPs. After the amount of
3 funding reductions has been determined, DVSSPs that are
4 currently funded and those applying for funding shall be notified
5 of changes in the available level of funding prior to the next
6 application process. Funding reductions made under this
7 paragraph shall not be subject to appeal.

8 (12) Notwithstanding any other provision of this section, OES
9 may reduce funding to a DVSSP funded pursuant to this section
10 if federal funding support is reduced. Funding reductions as a
11 result of a reduction in federal funding shall not be subject to
12 appeal.

13 (13) Nothing in this section shall be construed to supersede
14 any function or duty required by federal acts, rules, regulations,
15 or guidelines for the distribution of federal grants.

16 (14) As a condition of receiving funding pursuant to this
17 section, DVSSPs shall do all of the following:

18 (A) Provide matching funds or in-kind contributions
19 equivalent to not less than 10 percent of the grant they would
20 receive. The matching funds or in-kind contributions may come
21 from other governmental or private sources.

22 (B) Ensure that appropriate staff and volunteers having client
23 contact meet the definition of “domestic violence counselor” as
24 specified in subdivision (a) of Section 1037.1 of the Evidence
25 Code. The minimum training specified in paragraph (2) of
26 subdivision (a) of Section 1037.1 of the Evidence Code shall be
27 provided to those staff and volunteers who do not meet the
28 requirements of paragraph (1) of subdivision (a) of Section
29 1037.1 of the Evidence Code.

30 (15) The following definitions shall apply for purposes of this
31 subdivision:

32 (A) “Domestic violence” means the infliction or threat of
33 physical harm against past or present adult or adolescent female
34 intimate partners, including physical, sexual, and psychological
35 abuse against the woman, and is a part of a pattern of assaultive,
36 coercive, and controlling behaviors directed at achieving
37 compliance from or control over that woman.

38 (B) “Domestic violence shelter service provider” or “DVSSP”
39 means a victim services provider that operates an established
40 system of services providing safe and confidential emergency

1 housing on a 24-hour basis for victims of domestic violence and
2 their children, including, but not limited to, hotel or motel
3 arrangements, haven, and safe houses.

4 (C) “Emergency shelter” means a confidential or safe location
5 that provides emergency housing on a 24-hour basis for victims
6 of domestic violence and their children.

7 (g) The OES may hire the support staff and utilize all
8 resources necessary to carry out the purposes of this section. The
9 OES shall not utilize more than 10 percent of any funds
10 appropriated for the purpose of the program established by this
11 section for the administration of that program.

12 *SEC. 7. No reimbursement is required by this act pursuant to*
13 *Section 6 of Article XIII B of the California Constitution because*
14 *the only costs that may be incurred by a local agency or school*
15 *district will be incurred because this act creates a new crime or*
16 *infraction, eliminates a crime or infraction, or changes the*
17 *penalty for a crime or infraction, within the meaning of Section*
18 *17556 of the Government Code, or changes the definition of a*
19 *crime within the meaning of Section 6 of Article XIII B of the*
20 *California Constitution.*

21 *However, if the Commission on State Mandates determines that*
22 *this act contains other costs mandated by the state,*
23 *reimbursement to local agencies and school districts for those*
24 *costs shall be made pursuant to Part 7 (commencing with Section*
25 *17500) of Division 4 of Title 2 of the Government Code.*