

AMENDED IN ASSEMBLY MARCH 30, 2006

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 victims of crime.:-

LEGISLATIVE COUNSEL'S DIGEST

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

(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: 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 punishable
25 by Section 220, 261, 261.5, 262, 264.1, 266c, 285, 286, 288,
26 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 SEC. 4. Section 6206 of the Government Code is amended to
30 read:

31 6206. (a) An adult person, a parent or guardian acting on
32 behalf of a minor, or a guardian acting on behalf of an
33 incapacitated person may apply to the Secretary of State to have
34 an address designated by the Secretary of State serve as the
35 person's address or the address of the minor or incapacitated
36 person. An application shall be completed in person at a
37 community-based victims' assistance program. The application
38 process shall include a requirement that the applicant shall meet
39 with a victims' assistance counselor and receive orientation
40 information about the program. The Secretary of State shall

1 approve an application if it is filed in the manner and on the form
2 prescribed by the Secretary of State and if it contains all of the
3 following:

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

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

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

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

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

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

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

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

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

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

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

39 (C) Any other evidence that supports the sworn statement,
40 such as a sworn statement from any other individual with

1 knowledge of the circumstances that provide the basis for the
2 claim, or physical evidence of the act or acts of stalking.

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

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

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

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

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

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

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

37 (7) The address or addresses that the applicant requests not be
38 disclosed for the reason that disclosure will increase the risk of
39 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) 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.

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

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

(1) "Domestic violence" means the infliction or threat of physical harm against past or present adult or adolescent female intimate partners, and shall include physical, sexual, and psychological abuse against the woman, and is a part of a pattern

1 of assaultive, coercive, and controlling behaviors directed at
2 achieving compliance from or control over, that woman.

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

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

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

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

22 (1) Emergency shelter to women and their children escaping
23 violent family situations.

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

30 (3) Legal and other types of advocacy and representation to
31 help women and their children pursue the appropriate legal
32 options.

33 (4) Other support services for battered women and their
34 children.

35 (d) (1) The Maternal and Child Health Branch of the State
36 Department of Health Services shall conduct a minimum of one
37 site visit per grant term to each agency funded to provide
38 shelter-based services to battered women and their children. The
39 purpose of the site visit shall be a performance assessment of,
40 and technical assistance for, each agency visited. The

1 performance assessment shall include, but need not be limited to,
2 a review of all of the following:

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

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

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

21 (e) In implementing the grant program pursuant to this section,
22 the State Department of Health Services shall consult with an
23 advisory council that shall remain in existence until January 1,
24 ~~2006~~ 2010. The council shall be composed of not to exceed 13
25 voting members and two nonvoting members appointed as
26 follows:

- 27 (1) Seven members appointed by the Governor.
- 28 (2) Three members appointed by the Speaker of the Assembly.
- 29 (3) Three members appointed by the Senate Committee on
30 Rules.
- 31 (4) Two nonvoting ex officio members who shall be Members
32 of the Legislature, one appointed by the Speaker of the Assembly
33 and one appointed by the Senate Committee on Rules. Any
34 Member of the Legislature appointed to the council shall meet
35 with, and participate in the activities of, the council to the extent
36 that participation is not incompatible with his or her position as a
37 Member of the Legislature.

38 The membership of the council shall consist of domestic
39 violence advocates, battered women service providers, and
40 representatives of women's organizations, law enforcement, and

1 other groups involved with domestic violence. At least one-half
2 of the council membership shall consist of domestic violence
3 advocates or battered women service providers from
4 organizations such as the California Alliance Against Domestic
5 Violence.

6 It is the intent of the Legislature that the council membership
7 reflect the ethnic, racial, cultural, and geographic diversity of the
8 state.

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

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

21 (2) For purposes of this subdivision, “agency” means a state
22 agency, a local government, a community-based organization, or
23 a nonprofit organization.

24 (h) It is the intent of the Legislature that services funded by
25 this program include services in underserved and ethnic and
26 racial communities. Therefore, the Maternal and Child Health
27 Branch of the State Department of Health Services shall do all of
28 the following:

29 (1) Fund shelters pursuant to this section that reflect the
30 ethnic, racial, economic, cultural, and geographic diversity of the
31 state.

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

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

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

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

5 (2) Ensure that appropriate staff and volunteers having client
6 contact meet the definition of “domestic violence counselor” as
7 specified in subdivision (a) of Section 1037.1 of the Evidence
8 Code. The minimum training specified in paragraph (2) of
9 subdivision (a) of Section 1037.1 of the Evidence Code shall be
10 provided to those staff and volunteers who do not meet the
11 requirements of paragraph (1) of subdivision (a) of Section
12 1037.1 of the Evidence Code.

13 SEC. 6. Section 13823.15 of the Penal Code is amended to
14 read:

15 13823.15. (a) The Legislature finds the problem of domestic
16 violence to be of serious and increasing magnitude. The
17 Legislature also finds that existing domestic violence services are
18 underfunded and that some areas of the state are unserved or
19 underserved. Therefore, it is the intent of the Legislature that a
20 goal or purpose of the Office of Emergency Services (OES) shall
21 be to ensure that all victims of domestic violence served by the
22 OES Comprehensive Statewide Domestic Violence Program
23 receive comprehensive, quality services.

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

- 33 (1) Twenty-four-hour crisis hotlines.
- 34 (2) Counseling.
- 35 (3) Business centers.
- 36 (4) Emergency “safe” homes or shelters for victims and
37 families.
- 38 (5) Emergency food and clothing.
- 39 (6) Emergency response to calls from law enforcement.
- 40 (7) Hospital emergency room protocol and assistance.

1 (8) Emergency transportation.

2 (9) Supportive peer counseling.

3 (10) Counseling for children.

4 (11) Court and social service advocacy.

5 (12) Legal assistance with temporary restraining orders,
6 devices, and custody disputes.

7 (13) Community resource and referral.

8 (14) Household establishment assistance.

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

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

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

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

25 (d) The OES shall conduct statewide training workshops on
26 domestic violence for local centers, law enforcement, and other
27 service providers designed to enhance service programs. The
28 workshops shall be planned in conjunction with practitioners and
29 experts in the field of domestic violence prevention.

30 (e) The OES shall develop and disseminate throughout the
31 state information and materials concerning domestic violence.
32 The OES shall also establish a resource center for the collection,
33 retention, and distribution of educational materials related to
34 domestic violence. The OES may utilize and contract with
35 existing domestic violence technical assistance centers in this
36 state in complying with the requirements of this subdivision.

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

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

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

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

11 (C) For DVSSPs reapplying for funding under the RFA
12 process described in paragraph (4), a system for grading the
13 performance of DVSSPs in relation to the standards established
14 pursuant to subparagraph (A), and an appeal process for
15 decisions to deny or reduce funding. A description of this grading
16 system and appeal process shall be provided to all DVSSPs
17 receiving grants under this program.

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

24 (3) Grants shall be awarded to DVSSPs that propose to
25 maintain shelters or services previously granted funding pursuant
26 to this section, to expand existing services or create new services,
27 or to establish new domestic violence shelters in underserved or
28 unserved areas. Each grant shall be awarded for a three-year
29 term.

30 (4) DVSSPs reapplying for grants shall not be subject to a
31 competitive grant process, but shall be subject to a request for
32 application (RFA) process. The RFA process shall consist in part
33 of an assessment of the past performance history of the DVSSP
34 in relation to the standards established pursuant to paragraph (1).
35 The RFA process shall comply with all applicable state and
36 federal statutes for domestic violence center funding, and to the
37 extent possible, the response to the RFA shall not exceed 10
38 narrative pages, excluding attachments.

39 (5) Any DVSSP funded through this program in the previous
40 grant cycle, including any DVSSP funded by Chapter 707 of the

1 Statutes of 2001, shall be funded upon reapplication, unless,
2 pursuant to the assessment required under the RFA process, its
3 past performance history fails to meet the standards established
4 by the OES pursuant to paragraph (1).

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

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

12 (B) Agency organization and facilities.

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

14 (D) Recordkeeping, budgeting, and expenditures.

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

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

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

37 (9) DVSSPs receiving written reports of deficiencies or orders
38 for corrective action after a site visit shall be given no less than
39 six months' time to take corrective action before the deficiencies
40 or failure to correct may be considered in the next RFA process.

1 However, the OES shall have the discretion to reduce the time to
2 take corrective action in cases where the deficiencies present a
3 significant health or safety risk or when other severe
4 circumstances are found to exist. If corrective action is deemed
5 necessary, and a DVSSP fails to comply, or if other deficiencies
6 exist that, in the judgment of the OES, cannot be corrected, the
7 OES shall determine, using its grading system, whether
8 continued funding for the DVSSP should be reduced or denied
9 altogether. If a DVSSP has been determined to be deficient, the
10 OES may, at any point during the DVSSP's funding cycle
11 following the expiration of the period for corrective action, deny
12 or reduce any further funding.

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

25 (11) It is the intent of the Legislature that priority for
26 additional funds that become available shall be given to currently
27 funded, new, or previously unfunded DVSSPs for expansion of
28 services. However, the OES may determine when expansion is
29 needed to accommodate underserved or unserved areas. If
30 supplemental funding is unavailable, the OES shall have the
31 authority to lower the base level of grants to all currently funded
32 DVSSPs in order to provide funding for currently funded, new,
33 or previously unfunded DVSSPs that will provide services in
34 underserved or unserved areas. However, to the extent
35 reasonable, funding reductions shall be reduced proportionately
36 among all currently funded DVSSPs. After the amount of
37 funding reductions has been determined, DVSSPs that are
38 currently funded and those applying for funding shall be notified
39 of changes in the available level of funding prior to the next

1 application process. Funding reductions made under this
2 paragraph shall not be subject to appeal.

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

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

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

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

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

25 (15) The following definitions shall apply for purposes of this
26 subdivision:

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

33 (B) “Domestic violence shelter service provider” or “DVSSP”
34 means a victim services provider that operates an established
35 system of services providing safe and confidential emergency
36 housing on a 24-hour basis for victims of domestic violence and
37 their children, including, but not limited to, hotel or motel
38 arrangements, haven, and safe houses.

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

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

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

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