

AMENDED IN ASSEMBLY JUNE 13, 2006  
AMENDED IN ASSEMBLY MARCH 30, 2006  
AMENDED IN ASSEMBLY MARCH 2, 2006

**SENATE BILL**

**No. 1062**

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**Introduced by Senator Bowen**

February 22, 2005

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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:

6205. The Legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new names or addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the changed name or location of a victim of domestic violence, sexual assault, or stalking, to enable interagency cooperation with the Secretary of State in providing name and address confidentiality for victims of domestic violence, sexual assault, or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

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

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

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

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

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

(d) "Sexual assault" means an act or attempt made punishable by Section 220, 261, 261.5, 262, 264.1, 266c, ~~285, 286, 288, 288a~~, 269, 285, 286, 288, 288.5, 288a, 289, or 647.6 of the Penal Code.

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

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

6206. (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the Secretary of State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims' assistance program. The application

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (5) A designation of the Secretary of State as agent for  
16 purposes of service of process and for the purpose of receipt of  
17 mail.

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

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

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

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

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

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

7 (8) The signature of the applicant and of any individual or  
8 representative of any office designated in writing under Section  
9 6208.5 who assisted in the preparation of the application, and the  
10 date on which the applicant signed the application.

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

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

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

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

39 SEC. 5. Section 124250 of the Health and Safety Code is  
40 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, 2010. 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. 6. Section 13823.15 of the Penal Code is amended to  
19 read:

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

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

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

39 (2) Counseling.

40 (3) Business centers.

1 (4) Emergency “safe” homes or shelters for victims and  
2 families.

3 (5) Emergency food and clothing.

4 (6) Emergency response to calls from law enforcement.

5 (7) Hospital emergency room protocol and assistance.

6 (8) Emergency transportation.

7 (9) Supportive peer counseling.

8 (10) Counseling for children.

9 (11) Court and social service advocacy.

10 (12) Legal assistance with temporary restraining orders,  
11 devices, and custody disputes.

12 (13) Community resource and referral.

13 (14) Household establishment assistance.

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

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

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

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

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

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