

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY JUNE 13, 2006

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.

(4) This bill would incorporate additional changes in Section 124250 of the Health and Safety Code, and in Section 13823.15 of the Penal Code, proposed by AB 2051, to be operative only if AB 2051 and this bill are both chaptered and become effective on or before January 1, 2007, and this bill is chaptered last.

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:

1 CHAPTER 3.1. ADDRESS CONFIDENTIALITY FOR VICTIMS OF
2 DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING
3

4 SEC. 2. Section 6205 of the Government Code is amended to
5 read:

6 6205. The Legislature finds that persons attempting to escape
7 from actual or threatened domestic violence, sexual assault, or
8 stalking frequently establish new names or addresses in order to
9 prevent their assailants or probable assailants from finding them.
10 The purpose of this chapter is to enable state and local agencies
11 to respond to requests for public records without disclosing the
12 changed name or location of a victim of domestic violence,
13 sexual assault, or stalking, to enable interagency cooperation
14 with the Secretary of State in providing name and address
15 confidentiality for victims of domestic violence, sexual assault,
16 or stalking, and to enable state and local agencies to accept a
17 program participant's use of an address designated by the
18 Secretary of State as a substitute mailing address.

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

21 6205.5. Unless the context clearly requires otherwise, the
22 definitions in this section apply throughout this chapter.

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

27 (b) "Domestic violence" means an act as defined in Section
28 6211 of the Family Code.

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

31 (d) "Sexual assault" means an act or attempt made punishable
32 by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288,
33 288.5, 288a, 289, or 647.6 of the Penal Code.

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

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

38 6206. (a) An adult person, a parent or guardian acting on
39 behalf of a minor, or a guardian acting on behalf of an
40 incapacitated person may apply to the Secretary of State to have

1 an address designated by the Secretary of State serve as the
2 person's address or the address of the minor or incapacitated
3 person. An application shall be completed in person at a
4 community-based victims' assistance program. The application
5 process shall include a requirement that the applicant shall meet
6 with a victims' assistance counselor and receive orientation
7 information about the program. The Secretary of State shall
8 approve an application if it is filed in the manner and on the form
9 prescribed by the Secretary of State and if it contains all of the
10 following:

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

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

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

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

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

25 (B) Documentation from a domestic violence or sexual assault
26 program if the person is alleged to be a victim of domestic
27 violence or sexual assault.

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

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

37 (3) If the applicant alleges that the basis for the application is
38 that the applicant, or the minor or incapacitated person on whose
39 behalf the application is made, is a victim of stalking, the

1 application shall be accompanied by evidence including, but not
2 limited to, any of the following:

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

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

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

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

18 (5) A designation of the Secretary of State as agent for
19 purposes of service of process and for the purpose of receipt of
20 mail.

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

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

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

37 (D) The office of the Secretary of State and any agent or
38 person employed by the Secretary of State shall be held harmless
39 from any liability in any action brought by any person injured or

1 harmed as a result of the handling of first-class mail on behalf of
2 program participants.

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

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

9 (8) The signature of the applicant and of any individual or
10 representative of any office designated in writing under Section
11 6208.5 who assisted in the preparation of the application, and the
12 date on which the applicant signed the application.

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

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

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

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

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

3 124250. (a) The following definitions shall apply for
4 purposes of this section:

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

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

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

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

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

30 (1) Emergency shelter to women and their children escaping
31 violent family situations.

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

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

1 (4) Other support services for battered women and their
2 children.

3 (d) (1) The Maternal and Child Health Branch of the State
4 Department of Health Services shall conduct a minimum of one
5 site visit per grant term to each agency funded to provide
6 shelter-based services to battered women and their children. The
7 purpose of the site visit shall be a performance assessment of,
8 and technical assistance for, each agency visited. The
9 performance assessment shall include, but need not be limited to,
10 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 (2) Subsequent to each site visit conducted under paragraph
17 (1), the Maternal and Child Health Branch shall provide a written
18 report to the agency summarizing the agency's performance, any
19 deficiencies noted, and any corrective action needed.

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

29 (e) In implementing the grant program pursuant to this section,
30 the State Department of Health Services shall consult with an
31 advisory council that shall remain in existence until January 1,
32 2010. The council shall be composed of not to exceed 13 voting
33 members and two nonvoting members appointed as follows:

34 (1) Seven members appointed by the Governor.

35 (2) Three members appointed by the Speaker of the Assembly.

36 (3) Three members appointed by the Senate Committee on
37 Rules.

38 (4) Two nonvoting ex officio members who shall be Members
39 of the Legislature, one appointed by the Speaker of the Assembly
40 and one appointed by the Senate Committee on Rules. Any

1 Member of the Legislature appointed to the council shall meet
2 with, and participate in the activities of, the council to the extent
3 that participation is not incompatible with his or her position as a
4 Member of the Legislature.

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

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

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

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

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

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

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

39 (2) Target geographic areas and ethnic and racial communities
40 of the state whereby, based on a needs assessment, it is

1 determined that no shelter-based services exist or that additional
2 resources are necessary.

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

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

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

12 (2) Ensure that appropriate staff and volunteers having client
13 contact meet the definition of "domestic violence counselor" as
14 specified in subdivision (a) of Section 1037.1 of the Evidence
15 Code. The minimum training specified in paragraph (2) of
16 subdivision (a) of Section 1037.1 of the Evidence Code shall be
17 provided to those staff and volunteers who do not meet the
18 requirements of paragraph (1) of subdivision (a) of Section
19 1037.1 of the Evidence Code.

20 *SEC. 5.5. Section 124250 of the Health and Safety Code is*
21 *amended to read:*

22 124250. (a) The following definitions shall apply for
23 purposes of this section:

24 (1) "Domestic violence" means the infliction or threat of
25 physical harm against past or present adult or adolescent female
26 intimate partners, and shall include physical, sexual, and
27 psychological abuse against the woman, and is a part of a pattern
28 of assaultive, coercive, and controlling behaviors directed at
29 achieving compliance from or control over, that woman.

30 (2) "Shelter-based" means an established system of services
31 where battered women and their children may be provided safe
32 or confidential emergency housing on a 24-hour basis, including,
33 but not limited to, hotel or motel arrangements, haven, and safe
34 houses.

35 (3) "Emergency shelter" means a confidential or safe location
36 that provides emergency housing on a 24-hour basis for battered
37 women and their children.

38 (b) The Maternal and Child Health Branch of the State
39 Department of Health Services shall administer a comprehensive

1 shelter-based services grant program to battered women's
2 shelters pursuant to this section.

3 (c) The Maternal and Child Health Branch shall administer
4 grants, awarded as the result of a request for application process,
5 to battered women's shelters that propose to maintain shelters or
6 services previously granted funding pursuant to this section, to
7 expand existing services or create new services, and to establish
8 new battered women's shelters to provide services, in any of the
9 following four areas:

10 (1) Emergency shelter to women and their children escaping
11 violent family situations.

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

18 (3) Legal and other types of advocacy and representation to
19 help women and their children pursue the appropriate legal
20 options.

21 (4) Other support services for battered women and their
22 children.

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

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

32 (B) Agency organization and facilities.

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

34 (D) Recordkeeping, budgeting, and expenditures.

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

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

1 (3) ~~Where~~*If* an agency receives funding from both the
2 Maternal and Child Health Branch of the State Department of
3 Health Services and the Domestic Violence ~~Branch of Program~~
4 ~~in the Office of Criminal Justice Planning~~ *Emergency Services*
5 during any grant cycle, the Maternal and Child Health Branch
6 and the *Comprehensive Statewide* Domestic Violence ~~Branch~~
7 *Program* shall, to the extent feasible, coordinate agency site
8 visits and share performance assessment data with the goal of
9 improving efficiency, eliminating duplication, and reducing
10 administrative costs.

11 (e) In implementing the grant program pursuant to this section,
12 the State Department of Health Services shall consult with an
13 advisory council that shall remain in existence until January 1,
14 2010. The council shall be composed of not to exceed 13 voting
15 members and two nonvoting *ex officio* members appointed as
16 follows:

17 (1) Seven members appointed by the Governor.

18 (2) Three members appointed by the Speaker of the Assembly.

19 (3) Three members appointed by the Senate Committee on
20 Rules.

21 (4) Two nonvoting *ex officio* members who shall be Members
22 of the Legislature, one appointed by the Speaker of the Assembly
23 and one appointed by the Senate Committee on Rules. Any
24 Member of the Legislature appointed to the council shall meet
25 with, and participate in the activities of, the council to the extent
26 that participation is not incompatible with his or her position as a
27 Member of the Legislature.

28 The membership of the council shall consist of domestic
29 violence advocates, battered women service providers, and
30 representatives of women's organizations, law enforcement, and
31 other groups involved with domestic violence, *and at least one*
32 *representative of service providers serving the lesbian, gay,*
33 *bisexual, and transgender community for purposes of domestic*
34 *violence*. At least one-half of the council membership shall
35 consist of domestic violence advocates or battered women
36 service providers from organizations such as the California
37 ~~Alliance Against Partnership to End Domestic Violence~~.

38 It is the intent of the Legislature that the council membership
39 reflect the ethnic, racial, cultural, and geographic diversity of the
40 state.

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

4 (g) (1) The Maternal and Child Health Branch of the State
5 Department of Health Services shall administer grants, awarded
6 as the result of a request for application process, to agencies to
7 conduct demonstration projects to serve battered women *and*
8 *their children*, including, but not limited to, creative and
9 innovative service approaches, such as community response
10 teams and pilot projects to develop new interventions
11 emphasizing prevention and education, and other support
12 projects identified by the advisory council.

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

16 (h) It is the intent of the Legislature that services funded by
17 this program include services *for battered women* in underserved
18 *communities, including the lesbian, gay, bisexual, and*
19 *transgender community*, and ethnic and racial communities.
20 Therefore, the Maternal and Child Health Branch of the State
21 Department of Health Services shall do all of the following:

22 (1) Fund shelters pursuant to this section that reflect the
23 ethnic, racial, economic, cultural, and geographic diversity of the
24 state.

25 (2) Target geographic areas and ethnic and racial communities
26 of the state whereby, based on a needs assessment, it is
27 determined that no shelter-based services *for battered women*
28 exist or that additional resources are necessary.

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

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

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

38 (2) Ensure that appropriate staff and volunteers having client
39 contact meet the definition of “domestic violence counselor” as
40 specified in subdivision (a) of Section 1037.1 of the Evidence

1 Code. The minimum training specified in paragraph (2) of
2 subdivision (a) of Section 1037.1 of the Evidence Code shall be
3 provided to those staff and volunteers who do not meet the
4 requirements of paragraph (1) of subdivision (a) of Section
5 1037.1 of the Evidence Code.

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

8 13823.15. (a) The Legislature finds the problem of domestic
9 violence to be of serious and increasing magnitude. The
10 Legislature also finds that existing domestic violence services are
11 underfunded and that some areas of the state are unserved or
12 underserved. Therefore, it is the intent of the Legislature that a
13 goal or purpose of the Office of Emergency Services (OES) shall
14 be to ensure that all victims of domestic violence served by the
15 OES Comprehensive Statewide Domestic Violence Program
16 receive comprehensive, quality services.

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

- 26 (1) Twenty-four-hour crisis hotlines.
- 27 (2) Counseling.
- 28 (3) Business centers.
- 29 (4) Emergency “safe” homes or shelters for victims and
30 families.
- 31 (5) Emergency food and clothing.
- 32 (6) Emergency response to calls from law enforcement.
- 33 (7) Hospital emergency room protocol and assistance.
- 34 (8) Emergency transportation.
- 35 (9) Supportive peer counseling.
- 36 (10) Counseling for children.
- 37 (11) Court and social service advocacy.
- 38 (12) Legal assistance with temporary restraining orders,
39 devices, and custody disputes.
- 40 (13) Community resource and referral.

1 (14) Household establishment assistance.

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

5 (c) Except as provided in subdivision (f), the OES and the
6 advisory committee established pursuant to Section 13823.16
7 shall collaboratively administer the Comprehensive Statewide
8 Domestic Violence Program, and shall allocate funds to local
9 centers meeting the criteria for funding. All organizations funded
10 pursuant to this section shall utilize volunteers to the greatest
11 extent possible.

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

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

18 (d) The OES shall conduct statewide training workshops on
19 domestic violence for local centers, law enforcement, and other
20 service providers designed to enhance service programs. The
21 workshops shall be planned in conjunction with practitioners and
22 experts in the field of domestic violence prevention.

23 (e) The OES shall develop and disseminate throughout the
24 state information and materials concerning domestic violence.
25 The OES shall also establish a resource center for the collection,
26 retention, and distribution of educational materials related to
27 domestic violence. The OES may utilize and contract with
28 existing domestic violence technical assistance centers in this
29 state in complying with the requirements of this subdivision.

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

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

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

37 (B) For DVSSPs applying for grants under the RFP process
38 described in paragraph (2), a system for grading grant
39 applications in relation to the standards established pursuant to
40 subparagraph (A), and an appeal process for applications that are

1 denied. A description of this grading system and appeal process
2 shall be provided to all DVSSPs as part of the application
3 required under the RFP process.

4 (C) For DVSSPs reapplying for funding under the RFA
5 process described in paragraph (4), a system for grading the
6 performance of DVSSPs in relation to the standards established
7 pursuant to subparagraph (A), and an appeal process for
8 decisions to deny or reduce funding. A description of this grading
9 system and appeal process shall be provided to all DVSSPs
10 receiving grants under this program.

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

17 (3) Grants shall be awarded to DVSSPs that propose to
18 maintain shelters or services previously granted funding pursuant
19 to this section, to expand existing services or create new services,
20 or to establish new domestic violence shelters in underserved or
21 unserved areas. Each grant shall be awarded for a three-year
22 term.

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

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

38 (6) The OES shall conduct a minimum of one site visit every
39 three years for each DVSSP funded pursuant to this subdivision.
40 The purpose of the site visit shall be to conduct a performance

assessment of, and provide subsequent technical assistance for, each shelter 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.

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

(8) If an agency receives funding from both the Comprehensive Statewide Domestic Violence Program in the Office of Emergency Services and the Maternal and Child Health Branch of the State Department of Health Services during any grant cycle, the Comprehensive Statewide Domestic Violence Program and the Maternal and Child Health Branch 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.

(9) DVSSPs receiving written reports of deficiencies or orders for corrective action after a site visit shall be given no less than six months' time to take corrective action before the deficiencies or failure to correct may be considered in the next RFA process. However, the OES shall have the discretion to reduce the time to take corrective action in cases where the deficiencies present a significant health or safety risk or when other severe circumstances are found to exist. If corrective action is deemed necessary, and a DVSSP fails to comply, or if other deficiencies exist that, in the judgment of the OES, cannot be corrected, the OES shall determine, using its grading system, whether

1 continued funding for the DVSSP should be reduced or denied
2 altogether. If a DVSSP has been determined to be deficient, the
3 OES may, at any point during the DVSSP's funding cycle
4 following the expiration of the period for corrective action, deny
5 or reduce any further funding.

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

18 (11) It is the intent of the Legislature that priority for
19 additional funds that become available shall be given to currently
20 funded, new, or previously unfunded DVSSPs for expansion of
21 services. However, the OES may determine when expansion is
22 needed to accommodate underserved or unserved areas. If
23 supplemental funding is unavailable, the OES shall have the
24 authority to lower the base level of grants to all currently funded
25 DVSSPs in order to provide funding for currently funded, new,
26 or previously unfunded DVSSPs that will provide services in
27 underserved or unserved areas. However, to the extent
28 reasonable, funding reductions shall be reduced proportionately
29 among all currently funded DVSSPs. After the amount of
30 funding reductions has been determined, DVSSPs that are
31 currently funded and those applying for funding shall be notified
32 of changes in the available level of funding prior to the next
33 application process. Funding reductions made under this
34 paragraph shall not be subject to appeal.

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

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

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

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

10 (B) 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 (15) The following definitions shall apply for purposes of this
19 subdivision:

20 (A) “Domestic violence” means the infliction or threat of
21 physical harm against past or present adult or adolescent female
22 intimate partners, including physical, sexual, and psychological
23 abuse against the woman, and is a part of a pattern of assaultive,
24 coercive, and controlling behaviors directed at achieving
25 compliance from or control over that woman.

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

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

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

1 *SEC. 6.5. Section 13823.15 of the Penal Code is amended to*
2 *read:*

3 13823.15. (a) The Legislature finds the problem of domestic
4 violence to be of serious and increasing magnitude. The
5 Legislature also finds that existing domestic violence services are
6 underfunded and that some areas of the state are unserved or
7 underserved. Therefore, it is the intent of the Legislature that a
8 goal or purpose of the Office of Emergency Services (OES) shall
9 be to ensure that all victims of domestic violence served by the
10 OES Comprehensive Statewide Domestic Violence Program
11 receive comprehensive, quality services.

12 (b) There is in the OES a Comprehensive Statewide Domestic
13 Violence Program. The goals of the program shall be to provide
14 local assistance to existing service providers, to maintain and
15 expand services based on a demonstrated need, and to establish a
16 targeted or directed program for the development and
17 establishment of domestic violence services in currently unserved
18 and underserved areas. The OES shall provide financial and
19 technical assistance to local domestic violence centers in
20 implementing all of the following services:

- 21 (1) Twenty-four-hour crisis hotlines.
- 22 (2) Counseling.
- 23 (3) Business centers.
- 24 (4) Emergency “safe” homes or shelters for victims and
25 families.
- 26 (5) Emergency food and clothing.
- 27 (6) Emergency response to calls from law enforcement.
- 28 (7) Hospital emergency room protocol and assistance.
- 29 (8) Emergency transportation.
- 30 (9) Supportive peer counseling.
- 31 (10) Counseling for children.
- 32 (11) Court and social service advocacy.
- 33 (12) Legal assistance with temporary restraining orders,
34 devices, and custody disputes.
- 35 (13) Community resource and referral.
- 36 (14) Household establishment assistance.

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

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

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

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

(d) The OES shall conduct statewide training workshops on domestic violence for local centers, law enforcement, and other service providers designed to enhance service programs. The workshops shall be planned in conjunction with practitioners and experts in the field of domestic violence prevention. *The workshops shall include a curriculum component on lesbian, gay, bisexual, and transgender specific domestic abuse.*

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

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

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

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

(B) For DVSSPs applying for grants under the ~~RFP~~ *request for proposal* process described in paragraph (2), a system for grading grant applications in relation to the standards established pursuant to subparagraph (A), and an appeal process for applications that are denied. A description of this grading system

1 and appeal process shall be provided to all DVSSPs as part of the
2 application required under the RFP process.

3 (C) For DVSSPs reapplying for funding under the ~~RFA~~
4 *request for application* process described in paragraph (4), a
5 system for grading the performance of DVSSPs in relation to the
6 standards established pursuant to subparagraph (A), and an
7 appeal process for decisions to deny or reduce funding. A
8 description of this grading system and appeal process shall be
9 provided to all DVSSPs receiving grants under this program.

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

16 (3) Grants shall be awarded to DVSSPs that propose to
17 maintain shelters or services previously granted funding pursuant
18 to this section, to expand existing services or create new services,
19 or to establish new domestic violence shelters in underserved or
20 unserved areas. Each grant shall be awarded for a three-year
21 term.

22 (4) DVSSPs reapplying for grants shall not be subject to a
23 competitive grant process, but shall be subject to a request for
24 application (RFA) process. The RFA process shall consist in part
25 of an assessment of the past performance history of the DVSSP
26 in relation to the standards established pursuant to paragraph (1).
27 The RFA process shall comply with all applicable state and
28 federal statutes for domestic violence center funding, and to the
29 extent possible, the response to the RFA shall not exceed 10
30 narrative pages, excluding attachments.

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

37 (6) The OES shall conduct a minimum of one site visit every
38 three years for each DVSSP funded pursuant to this subdivision.
39 The purpose of the site visit shall be to conduct a performance
40 assessment of, and provide subsequent technical assistance for,

each shelter 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.

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

(8) If an agency receives funding from both the Comprehensive Statewide Domestic Violence Program in the Office of Emergency Services and the Maternal and Child Health Branch of the State Department of Health Services during any grant cycle, the Comprehensive Statewide Domestic Violence Program and the Maternal and Child Health Branch 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.

~~(8)~~

(9) DVSSPs receiving written reports of deficiencies or orders for corrective action after a site visit shall be given no less than six months' time to take corrective action before the deficiencies or failure to correct may be considered in the next RFA process. However, the OES shall have the discretion to reduce the time to take corrective action in cases where the deficiencies present a significant health or safety risk or when other severe circumstances are found to exist. If corrective action is deemed necessary, and a DVSSP fails to comply, or if other deficiencies exist that, in the judgment of the OES, cannot be corrected, the OES shall determine, using its grading system, whether

1 continued funding for the DVSSP should be reduced or denied
2 altogether. If a DVSSP has been determined to be deficient, the
3 OES may, at any point during the DVSSP's funding cycle
4 following the expiration of the period for corrective action, deny
5 or reduce any further funding.

6 ~~(9)~~

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

19 ~~(10)~~

20 (11) It is the intent of the Legislature that priority for
21 additional funds that become available shall be given to currently
22 funded, new, or previously unfunded DVSSPs for expansion of
23 services. However, the OES may determine when expansion is
24 needed to accommodate underserved or unserved areas. If
25 supplemental funding is unavailable, the OES shall have the
26 authority to lower the base level of grants to all currently funded
27 DVSSPs in order to provide funding for currently funded, new,
28 or previously unfunded DVSSPs that will provide services in
29 underserved or unserved areas. However, to the extent
30 reasonable, funding reductions shall be reduced proportionately
31 among all currently funded DVSSPs. After the amount of
32 funding reductions has been determined, DVSSPs that are
33 currently funded and those applying for funding shall be notified
34 of changes in the available level of funding prior to the next
35 application process. Funding reductions made under this
36 paragraph shall not be subject to appeal.

37 ~~(11)~~

38 (12) Notwithstanding any other provision of this section, OES
39 may reduce funding to a DVSSP funded pursuant to this section
40 if federal funding support is reduced. Funding reductions as a

1 result of a reduction in federal funding shall not be subject to
2 appeal.

3 ~~(12)~~

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

7 ~~(13)~~

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

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

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

22 ~~(14)~~

23 (15) The following definitions shall apply for purposes of this
24 subdivision:

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

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

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

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

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

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

20 *SEC. 8. Section 5.5 of this bill incorporates amendments to*
21 *Section 124250 of the Health and Safety Code proposed by both*
22 *this bill and AB 2051. It shall only become operative if (1) both*
23 *bills are enacted and become effective on or before January 1,*
24 *2007, (2) each bill amends Section 124250 of the Health and*
25 *Safety Code, and (3) this bill is enacted after AB 2051, in which*
26 *case Section 5 of this bill shall not become operative.*

27 *SEC. 9. Section 6.5 of this bill incorporates amendments to*
28 *Section 13823.15 of the Penal Code proposed by both this bill*
29 *and AB 2051. It shall only become operative if (1) both bills are*
30 *enacted and become effective on or before January 1, 2007, (2)*
31 *each bill amends Section 13823.15 of the Penal Code, and (3)*
32 *this bill is enacted after AB 2051, in which case Section 6 of this*
33 *bill shall not become operative.*