

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 26, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1688

Introduced by Assembly Member Conway

February 13, 2014

An act to add Part 3 (commencing with Section 4499.01) to Division 4.1 of the Welfare and Institutions Code, relating to developmental centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, as amended, Conway. Developmental centers: crime.

Existing law requires, upon the filing of a claim for reimbursement, a city, county, or superior court to be reimbursed for reasonable and necessary costs connected with state prisons or prisoners in connection with certain circumstances, including with any crime committed in a prison, with any hearing on any return of a writ of habeas corpus prosecuted by or on behalf of a prisoner, or with any costs incurred by a coroner in connection with the death of a prisoner.

This bill would similarly require that, upon the filing of a claim for reimbursement, a city or county be reimbursed for reasonable and necessary costs related to the investigation or prosecution of a crime committed by a developmental center employee against a developmental center resident.

Existing law requires a developmental center to immediately, but no later than within 2 hours of the developmental center observing, obtaining knowledge of, or suspecting abuse, report certain incidents involving a resident to the local law enforcement agency having

jurisdiction ~~within~~ over the city or county in which the developmental center is located. Existing law provides that this reporting requirement does not prevent a developmental center from reporting any other criminal act constituting a danger to the health or safety of the residents of the developmental center to the local law enforcement agency.

This bill would require a local law enforcement agency having jurisdiction over the city or county in which the developmental center is located to respond within 24 hours of receiving an allegation that a crime has ~~occurred at the developmental center.~~ *been committed by a developmental center employee against a developmental center resident.* By imposing new duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Part 3 (commencing with Section 4499.01) is
2 added to Division 4.1 of the Welfare and Institutions Code, to read:

3

4 PART 3. CRIME IN DEVELOPMENTAL CENTERS

5

6 CHAPTER 1. REIMBURSEMENT OF LOCAL EXPENSES

7

8 4499.01. (a) A city or county shall be reimbursed for
9 reasonable and necessary costs related to the investigation or
10 prosecution of a crime committed by a developmental center
11 employee against a developmental center resident.

12 (b) ~~No~~ A city, county, or other jurisdiction ~~may~~ *shall not* file,
13 and the state ~~may~~ *shall not* reimburse, a claim pursuant to this
14 section that is presented to the department or to any other agency
15 or department of the state more than six months after the close of
16 the month in which the costs were incurred.

1 4499.05. Costs incurred by a city or county include all of the
2 following:

3 (a) Costs of law enforcement agencies in connection with a
4 matter described in Section 4499.01.

5 (b) Costs of participation in any trial or hearing of a matter
6 described in Section 4499.01.

7 (c) Any costs incurred for providing training in the investigation
8 or prosecution associated with a matter described in Section
9 4499.01.

10 (d) Any other costs reasonably incurred by a city or county in
11 connection with a matter described in Section 4499.01.

12 4499.15. As used in this chapter, reasonable and necessary
13 costs shall be based upon all operating costs, including the cost of
14 elected officials, except superior court judges, while serving in
15 line functions and including all administrative costs associated
16 with providing the necessary services and securing reimbursement
17 for those costs. Administrative costs include a proportional
18 allowance for overhead determined in accordance with current
19 accounting practices.

20 4499.20. (a) A city or county shall designate an officer or
21 agency to prepare a statement of costs that shall be reimbursed
22 under this chapter.

23 (b) The statement shall be sent to the Controller for approval.
24 The Controller shall reimburse the city or county within 60 days
25 after receipt of the statement or provide a written statement as to
26 the reason for not making reimbursement at that time. If sufficient
27 funds are not available, the Controller shall request the Director
28 of Finance to include any amounts necessary to satisfy the claims
29 in a request for a deficiency appropriation.
30

31 CHAPTER 2. RESPONSE OF LOCAL LAW ENFORCEMENT
32

33 4499.50. A local law enforcement agency having jurisdiction
34 ~~within~~ over the city or county in which the developmental center
35 is located shall respond within 24 hours of receiving an allegation
36 that a crime has ~~occurred at the developmental center.~~ *been*
37 *committed by a developmental center employee against a*
38 *developmental center resident.*

39 SEC. 2. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.