

AMENDED IN ASSEMBLY APRIL 3, 2014  
AMENDED IN ASSEMBLY MARCH 28, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2616**

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**Introduced by Assembly Member ~~Lowenthal~~ Skinner**

February 21, 2014

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An act to ~~amend Section 3453 of the Penal Code~~ add Section 3212.13 to the Labor Code, relating to ~~postrelease community supervision.~~ ~~workers' compensation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, ~~Lowenthal Skinner. Postrelease community supervision: notification of penalties for violation. Workers' compensation: hospital employers: compensation.~~

*Existing law provides that an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system. Existing law provides that, in the case of certain public employees, the term "injury" includes heart trouble, hernia, pneumonia, meningitis, lower back impairment, and other injuries and diseases.*

*This bill would provide, with respect to hospital employees who provide direct patient care in an acute care hospital, that the term "injury" includes a methicillin-resistant Staphylococcus aureus skin infection (MRSA skin infection) that develops or manifests itself during the period of the person's employment with the hospital. This bill would create a presumption that a MRSA skin infection arises out of and in the course of the person's employment if the MRSA skin infection develops or manifests, as specified. This bill would prohibit attributing*

*a MRSA skin infection that develops or manifests in those cases to any disease or skin infection existing prior to that development or manifestation.*

~~Existing law, the Postrelease Community Supervision Act of 2011, requires certain inmates released from state prison to be subject to supervision by a county agency. The act specifies the conditions of postrelease community supervision, including, among others, requiring that the person released be informed of the conditions of his or her release. Existing law permits each county agency responsible for postrelease supervision to determine an appropriate response to alleged violations of those conditions, including flash incarceration in a city or county jail. Existing law defines flash incarceration as a period of detention in a city or county jail ranging from one to 10 days due to a violation of an offender’s conditions of postrelease supervision.~~

~~This bill would additionally require, as a condition of postrelease community supervision, that the person released be informed of the penalties for violation of the conditions of postrelease community supervision, including, but not limited to, the potential for flash incarceration without a court hearing. By increasing the duties of local officials, the 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-no*.

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

- 1     *SECTION 1. The Legislature finds and declares all of the*
- 2     *following:*
- 3         *(a) According to the United States Department of Labor, health*
- 4     *care is the second fastest growing sector of the United States*
- 5     *economy, employing over 12 million workers. Women represent*
- 6     *nearly 80 percent of the health care workforce.*
- 7         *(b) By the nature of their profession, health care workers are*
- 8     *in constant danger of being directly exposed to many infectious*

1 *diseases and indirectly exposed through contact with various pieces*  
2 *of equipment, chemicals, and clothing.*

3 *(c) Registered nurses constitute the largest occupation within*  
4 *the health care sector and number over 2.5 million, of which 70*  
5 *percent are employed in hospitals.*

6 *(d) Health care-acquired infections in California hospitals*  
7 *account for an estimated 200,000 infections and 12,000 deaths*  
8 *annually, according to the State Department of Public Health.*

9 *(e) According to the Office of Statewide Health Planning and*  
10 *Development, in 2007 there were 52,000 cases of patients infected*  
11 *by methicillin-resistant Staphylococcus aureus (MRSA) at hospitals*  
12 *across the state.*

13 *(f) Public safety employees, such as police officers and*  
14 *firefighters, already have guaranteed access to the workers’*  
15 *compensation system for methicillin-resistant Staphylococcus*  
16 *aureus skin infection (MRSA skin infection), HIV, cancer, leukemia,*  
17 *meningitis, back injuries, and other work-related illnesses and*  
18 *injuries. However, presumptive eligibility for workers’*  
19 *compensation is nonexistent for health care workers.*

20 *(g) Due to the rise in work-related illnesses and injuries,*  
21 *including a MRSA skin infection, it is most appropriate to protect*  
22 *health care workers by ensuring access to workers’ compensation*  
23 *for health care workers who suffer workplace injuries or contract*  
24 *infectious diseases.*

25 *SEC. 2. Section 3212.13 is added to the Labor Code, to read:*

26 *3212.13. (a) In the case of a hospital employee who provides*  
27 *direct patient care in an acute care hospital, referred to in this*  
28 *section as hospital employee, the term “injury,” as used in this*  
29 *section, includes a methicillin-resistant Staphylococcus aureus*  
30 *skin infection (MRSA skin infection) that develops or manifests*  
31 *itself during a period of the person’s employment with the hospital.*  
32 *The compensation awarded for that injury shall include full*  
33 *hospital, surgical, medical treatment, disability indemnity, and*  
34 *death benefits, as provided by this division.*

35 *(b) (1) A MRSA skin infection that develops or manifests itself*  
36 *shall be presumed to arise out of and in the course of employment.*  
37 *This presumption is disputable and may be controverted by other*  
38 *evidence, but if controverting evidence is not produced, the*  
39 *presumption shall prevail.*

1 (2) *The MRSA skin infection presumption shall be extended to*  
 2 *a hospital employee following termination of service for a period*  
 3 *of 60 days, commencing with the last date actually worked.*

4 (c) *A MRSA skin infection that develops or manifests itself in*  
 5 *circumstances described in subdivision (b) shall not be attributed*  
 6 *to a disease or skin infection existing prior to that development or*  
 7 *manifestation.*

8 (d) *For the purposes of this section, “acute care hospital” means*  
 9 *a health facility as defined in subdivision (a) or (b) of Section 1250*  
 10 *of the Health and Safety Code.*

11 ~~SECTION 1. Section 3453 of the Penal Code is amended to~~  
 12 ~~read:~~

13 ~~3453. Postrelease community supervision shall include the~~  
 14 ~~following conditions:~~

15 ~~(a) The person shall be informed of the conditions of release~~  
 16 ~~and penalties for violation of those conditions, including, but not~~  
 17 ~~limited to, the potential for flash incarceration without a court~~  
 18 ~~hearing.~~

19 ~~(b) The person shall obey all laws.~~

20 ~~(c) The person shall report to the supervising county agency~~  
 21 ~~within two working days of release from custody.~~

22 ~~(d) The person shall follow the directives and instructions of~~  
 23 ~~the supervising county agency.~~

24 ~~(e) The person shall report to the supervising county agency as~~  
 25 ~~directed by that agency.~~

26 ~~(f) The person, and his or her residence and possessions, shall~~  
 27 ~~be subject to search at any time of the day or night, with or without~~  
 28 ~~a warrant, by an agent of the supervising county agency or by a~~  
 29 ~~peace officer.~~

30 ~~(g) The person shall waive extradition if found outside the state.~~

31 ~~(h) The person shall inform the supervising county agency of~~  
 32 ~~the person’s place of residence, employment, education, or training.~~

33 ~~(i) (1) The person shall inform the supervising county agency~~  
 34 ~~of any pending or anticipated changes in residence, employment,~~  
 35 ~~education, or training.~~

36 ~~(2) If the person enters into new employment, he or she shall~~  
 37 ~~inform the supervising county agency of the new employment~~  
 38 ~~within three business days of that entry.~~

39 ~~(j) The person shall immediately inform the supervising county~~  
 40 ~~agency if he or she is arrested or receives a citation.~~

1 ~~(k) The person shall obtain the permission of the supervising~~  
2 ~~county agency to travel more than 50 miles from the person's place~~  
3 ~~of residence.~~

4 ~~(l) The person shall obtain a travel pass from the supervising~~  
5 ~~county agency before he or she may leave the county or state for~~  
6 ~~more than two days.~~

7 ~~(m) The person shall not be in the presence of a firearm or~~  
8 ~~ammunition, or any item that appears to be a firearm or~~  
9 ~~ammunition.~~

10 ~~(n) The person shall not possess, use, or have access to any~~  
11 ~~weapon listed in Section 16140, subdivision (c) of Section 16170,~~  
12 ~~Section 16220, 16260, 16320, 16330, or 16340, subdivision (b)~~  
13 ~~of Section 16460, Section 16470, subdivision (f) of Section 16520,~~  
14 ~~or Section 16570, 16740, 16760, 16830, 16920, 16930, 16940,~~  
15 ~~17090, 17125, 17160, 17170, 17180, 17190, 17200, 17270, 17280,~~  
16 ~~17330, 17350, 17360, 17700, 17705, 17710, 17715, 17720, 17725,~~  
17 ~~17730, 17735, 17740, 17745, 19100, 19200, 19205, 20200, 20310,~~  
18 ~~20410, 20510, 20610, 20710, 20910, 21110, 21310, 21810, 22010,~~  
19 ~~22015, 22210, 22215, 22410, 24310, 24410, 24510, 24610, 24680,~~  
20 ~~24710, 30210, 30215, 31500, 32310, 32400, 32405, 32410, 32415,~~  
21 ~~32420, 32425, 32430, 32435, 32440, 32445, 32450, 32900, 33215,~~  
22 ~~33220, 33225, or 33600.~~

23 ~~(o) (1) Except as provided in paragraph (2) and subdivision~~  
24 ~~(p), the person shall not possess a knife with a blade longer than~~  
25 ~~two inches.~~

26 ~~(2) The person may possess a kitchen knife with a blade longer~~  
27 ~~than two inches if the knife is used and kept only in the kitchen of~~  
28 ~~the person's residence.~~

29 ~~(p) The person may use a knife with a blade longer than two~~  
30 ~~inches, if the use is required for that person's employment, the use~~  
31 ~~has been approved in a document issued by the supervising county~~  
32 ~~agency, and the person possesses the document of approval at all~~  
33 ~~times and makes it available for inspection.~~

34 ~~(q) The person shall waive any right to a court hearing prior to~~  
35 ~~the imposition of a period of "flash incarceration" in a city or~~  
36 ~~county jail of not more than 10 consecutive days for any violation~~  
37 ~~of his or her postrelease supervision conditions.~~

38 ~~(r) The person shall participate in rehabilitation programming~~  
39 ~~as recommended by the supervising county agency.~~

1     ~~(s) The person shall be subject to arrest with or without a warrant~~  
2     ~~by a peace officer employed by the supervising county agency or,~~  
3     ~~at the direction of the supervising county agency, by any peace~~  
4     ~~officer when there is probable cause to believe the person has~~  
5     ~~violated the terms and conditions of his or her release.~~  
6     ~~SEC. 2.— If the Commission on State Mandates determines that~~  
7     ~~this act contains costs mandated by the state, reimbursement to~~  
8     ~~local agencies and school districts for those costs shall be made~~  
9     ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
10    ~~4 of Title 2 of the Government Code.~~