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Date Published: 02/20/2020 09:00 PM

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL**NO. 2833****Introduced by Assembly Members Lackey and Blanca Rubio
(Principal coauthor: Senator Rubio)****February 20, 2020**

An act to amend, repeal, and add Sections 13519 and 13701, and to add Section 13823.18 to, the Penal Code, relating to **domestic violence**.

LEGISLATIVE COUNSEL'S DIGEST

AB 2833, as introduced, Lackey. **Domestic violence:** victim's information card.

Existing law directs the Commission on Peace Officer Standards and Training to establish training and guidelines for law enforcement officers, as defined, in the handling of **domestic violence** complaints, such as how to respond to **domestic violence** incidents, the legal duties imposed on law enforcement officers to make arrests and offer assistance, and techniques to promote the safety of the victim, as specified. Existing law requires law enforcement agencies to develop and implement written policies for officer responses to **domestic violence** incidents, including furnishing written notice to victims at the scene in the form of a Victims of **Domestic Violence** card that contains, among other information, telephone numbers for local hotlines, shelters, and counseling centers.

This bill would add the issuance of Victims of **Domestic Violence** cards as a topic in the course of instruction for the training of law enforcement officers. This bill would additionally require the Victims of **Domestic Violence** card to be a different color than other cards issued by officers, to include a disclaimer, to be available in languages other than English, and to include various information such as the definition of **domestic violence** and the statute of limitations for **domestic violence**. This bill would make these changes operative on January 1, 2022. Because this bill would expand an existing local program, it would impose a state-mandated local program.

Existing law establishes the Office of Emergency Services and makes it responsible for providing assistance such as financial, technical, and educational support, as specified, on the topic of **domestic violence** to local entities including **domestic violence** support centers and law enforcement.

This bill, commencing January 1, 2022, would require the office to develop a model Victims of **Domestic Violence** card that can be modified by cities and counties. The bill would also require the office to publish on an

internet website maintained by the office specified information and resources to assist victims of **domestic violence**, including, among other things, a summary of state mandatory arrest policies for **domestic violence** crimes.

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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the Access to **Domestic Violence** Information for Survivor Empowerment (ADVISE) Act.

SEC. 2. Section 13519 of the Penal Code is amended to read:

13519. (a) The commission shall implement by January 1, 1986, a course or courses of instruction for the training of law enforcement officers in California in the handling of **domestic violence** complaints and also shall develop guidelines for law enforcement response to **domestic violence**. The course or courses of instruction and the guidelines shall include a brief current and historical context on communities of color impacted by incarceration and **violence**, enforcement of criminal laws in **domestic violence** situations, availability of civil remedies and community resources, and protection of the victim. If appropriate, the training presenters shall include **domestic violence** experts, who may include victims of **domestic violence** and people who have committed **domestic violence** and have been or are in the process of being rehabilitated, with expertise in the delivery of direct services to victims and people who have committed **domestic violence**, including, but not limited to, utilizing the staff of shelters for battered women in the presentation of training.

(b) As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office, a peace officer of the Department of Parks and Recreation, as defined in subdivision (f) of Section 830.2, a peace officer of the University of California Police Department, as defined in subdivision (b) of Section 830.2, a peace officer of the California State University Police Departments, as defined in subdivision (c) of Section 830.2, a peace officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.

(c) The course of basic training for law enforcement officers shall include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on peace officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests.

(3) Techniques for handling incidents of **domestic violence** that minimize the likelihood of injury to the officer and that promote the safety of the victim. These techniques shall include, but are not limited to, the following:

(A) Methods for ensuring victim interviews occur in a venue separate from the alleged perpetrator and with appropriate sound barriers to prevent the conversation from being overheard.

(B) Questions for the victim, including, but not limited to, the following:

(i) Whether the victim would like a followup visit to provide needed support or resources.

(ii) Information on obtaining a gun **violence** restraining order and a protective order described in Section 6218 of the Family Code.

(C) A verbal review of the resources available for victims outlined on the written notice provided pursuant to paragraph (9) of subdivision (c) of Section 13701.

(4) The nature and extent of **domestic violence**.

- (5) The signs of **domestic violence**.
- (6) Criminal conduct that may be related to **domestic violence**, including, but not limited to, any of the following:
- (A) Coercion, as described in paragraph (1) of subdivision (h) of Section 236.1, for purposes of committing or impeding the investigation or prosecution of **domestic violence**.
- (B) False imprisonment, as defined in Section 236.
- (C) Extortion, as defined in Section 518, and the use of fear, as described in Section 519.
- (D) Identity theft, as defined in Section 530.5, impersonation through an internet website or by other electronic means, as defined in Section 528.5, false personation, as defined in Section 530, receiving money or property as a result of false personation, and mail theft.
- (E) Stalking, as defined in Section 646.9, including by telephone or electronic communication.
- (F) Nonconsensual pornography, as described in paragraph (4) of subdivision (j) of Section 647.
- (7) The assessment of lethality or signs of lethal **violence** in **domestic violence** situations.
- (8) The legal rights of, and remedies available to, victims of **domestic violence**.
- (9) The use of an arrest by a private person in a **domestic violence** situation.
- (10) Documentation, report writing, and evidence collection.
- (11) **Domestic violence** diversion.
- (12) Tenancy issues and **domestic violence**.
- (13) The impact on children of law enforcement intervention in **domestic violence**.
- (14) The services and facilities available to victims and batterers.
- (15) The use and applications of this code in **domestic violence** situations.
- (16) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.
- (17) Verification and enforcement of stay-away orders.
- (18) Cite and release policies.
- (19) Emergency assistance to victims and how to assist victims in pursuing criminal justice options.
- (d) The guidelines developed by the commission shall also incorporate the factors described in subdivision (c).
- (e) Local law enforcement agencies are encouraged to include, as a part of their advanced officer training program, periodic updates and training on **domestic violence**. The commission shall assist where possible.
- (f) (1) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of **domestic violence**. The groups and individuals shall include, but shall not be limited to, the following: one representative each from the California Peace Officers' Association, the Peace Officers Research Association of California, the State Bar of California, the California Women Lawyers, and the State Commission on the Status of Women and Girls; two representatives from the commission; two representatives from the California Partnership to End **Domestic Violence**; two peace officers, recommended by the commission, who are experienced in the provision of **domestic violence** training; two **domestic violence** experts, recommended by the California Partnership to End **Domestic Violence**, who are experienced in the provision of direct services to victims of **domestic violence**; and at least one representative of service providers serving the lesbian, gay, bisexual, and transgender community in connection with **domestic violence**. At least one of the persons selected shall be a former victim of **domestic violence**; one representative of an organization working to advance criminal justice reform; and one representative of an organization working to advance racial justice.

(2) The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways **domestic violence** training might be included as a part of ongoing programs.

(g) Each law enforcement officer below the rank of supervisor who is assigned to patrol duties and would normally respond to **domestic violence** calls or incidents of **domestic violence** shall complete, every two years, an updated course of instruction on **domestic violence** that is developed according to the standards and guidelines developed pursuant to subdivisions (a) and (d). The instruction required pursuant to this subdivision shall be funded from existing resources available for the training required pursuant to this section. It is the intent of the Legislature not to increase the annual training costs of local government entities.

(h) *This section shall remain in effect until January 1, 2022, and as of that date is repealed.*

SEC. 3. Section 13519 is added to the Penal Code, to read:

13519. (a) The commission shall implement by January 1, 1986, a course or courses of instruction for the training of law enforcement officers in California in the handling of **domestic violence** complaints and also shall develop guidelines for law enforcement response to **domestic violence**. The course or courses of instruction and the guidelines shall include a brief current and historical context on communities of color impacted by incarceration and **violence**, enforcement of criminal laws in **domestic violence** situations, availability of civil remedies and community resources, and protection of the victim. If appropriate, the training presenters shall include **domestic violence** experts, who may include victims of **domestic violence** and people who have committed **domestic violence** and have been or are in the process of being rehabilitated, with expertise in the delivery of direct services to victims and people who have committed **domestic violence**, including, but not limited to, utilizing the staff of shelters for battered women in the presentation of training.

(b) As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office, a peace officer of the Department of Parks and Recreation, as defined in subdivision (f) of Section 830.2, a peace officer of the University of California Police Department, as defined in subdivision (b) of Section 830.2, a peace officer of the California State University Police Departments, as defined in subdivision (c) of Section 830.2, a peace officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.

(c) The course of basic training for law enforcement officers shall include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on peace officers to make arrests and offer protection and assistance, including guidelines for making felony and misdemeanor arrests.

(3) Techniques for handling incidents of **domestic violence** that minimize the likelihood of injury to the officer and that promote the safety of the victim. These techniques shall include, but are not limited to, the following:

(A) Methods for ensuring victim interviews occur in a venue separate from the alleged perpetrator and with appropriate sound barriers to prevent the conversation from being overheard.

(B) Questions for the victim, including, but not limited to, the following:

(i) Whether the victim would like a followup visit to provide needed support or resources.

(ii) Information on obtaining a gun **violence** restraining order and a protective order described in Section 6218 of the Family Code.

(C) A verbal review of the resources available for victims outlined on the written notice provided pursuant to paragraph (9) of subdivision (c) of Section 13701.

(4) The nature and extent of **domestic violence**.

(5) The signs of **domestic violence**.

(6) Criminal conduct that may be related to **domestic violence**, including, but not limited to, any of the following:

- (A) Coercion, as described in paragraph (1) of subdivision (h) of Section 236.1, for purposes of committing or impeding the investigation or prosecution of **domestic violence**.
- (B) False imprisonment, as defined in Section 236.
- (C) Extortion, as defined in Section 518, and the use of fear, as described in Section 519.
- (D) Identity theft, as defined in Section 530.5, impersonation through an internet website or by other electronic means, as defined in Section 528.5, false personation, as defined in Section 530, receiving money or property as a result of false personation, and mail theft.
- (E) Stalking, as defined in Section 646.9, including by telephone or electronic communication.
- (F) Nonconsensual pornography, as described in paragraph (4) of subdivision (j) of Section 647.
- (7) The assessment of lethality or signs of lethal **violence** in **domestic violence** situations.
- (8) The legal rights of, and remedies available to, victims of **domestic violence**.
- (9) The use of an arrest by a private person in a **domestic violence** situation.
- (10) Documentation, report writing, and evidence collection.
- (11) **Domestic violence** diversion.
- (12) Tenancy issues and **domestic violence**.
- (13) The impact on children of law enforcement intervention in **domestic violence**.
- (14) The services and facilities available to victims and batterers.
- (15) The use and applications of this code in **domestic violence** situations.
- (16) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.
- (17) Verification and enforcement of stay-away orders.
- (18) Cite and release policies.
- (19) Emergency assistance to victims and how to assist victims in pursuing criminal justice options.
- (20) Issuance of Victims of **Domestic Violence** cards in accordance with subparagraph (H) of paragraph (9) of subdivision (c) of Section 13701. This paragraph shall be implemented commencing with the next revision of the curriculum on or after January 1, 2022.
- (d) The guidelines developed by the commission shall also incorporate the factors described in subdivision (c).
- (e) Local law enforcement agencies are encouraged to include, as a part of their advanced officer training program, periodic updates and training on **domestic violence**. The commission shall assist where possible.
- (f) (1) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of **domestic violence**. The groups and individuals shall include, but shall not be limited to, the following: one representative each from the California Peace Officers' Association, the Peace Officers Research Association of California, the State Bar of California, the California Women Lawyers, and the State Commission on the Status of Women and Girls; two representatives from the commission; two representatives from the California Partnership to End **Domestic Violence**; two peace officers, recommended by the commission, who are experienced in the provision of **domestic violence** training; two **domestic violence** experts, recommended by the California Partnership to End **Domestic Violence**, who are experienced in the provision of direct services to victims of **domestic violence**; and at least one representative of service providers serving the lesbian, gay, bisexual, and transgender community in connection with **domestic violence**. At least one of the persons selected shall be a former victim of **domestic violence**; one representative of an organization working to advance criminal justice reform; and one representative of an organization working to advance racial justice.

(2) The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways **domestic violence** training might be included as a part of ongoing programs.

(g) Each law enforcement officer below the rank of supervisor who is assigned to patrol duties and would normally respond to **domestic violence** calls or incidents of **domestic violence** shall complete, every two years, an updated course of instruction on **domestic violence** that is developed according to the standards and guidelines developed pursuant to subdivisions (a) and (d). The instruction required pursuant to this subdivision shall be funded from existing resources available for the training required pursuant to this section. It is the intent of the Legislature not to increase the annual training costs of local government entities.

(h) This section shall become operative on January 1, 2022.

SEC. 4. Section 13701 of the Penal Code is amended to read:

13701. (a) Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' responses to **domestic violence** calls by January 1, 1986. These policies shall reflect that **domestic violence** is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving **domestic violence** is the same as any other request for assistance where **violence** has occurred.

(b) The written policies shall encourage the arrest of **domestic violence** offenders if there is probable cause that an offense has been committed. These policies also shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order issued under Chapter 4 (commencing with Section 2040) of Part 1 of Division 6, Division 10 (commencing with Section 6200), or Chapter 6 (commencing with Section 7700) of Part 3 of Division 12, of the Family Code, or Section 136.2 of this code, or by a court of any other state, a commonwealth, territory, or insular possession subject to the jurisdiction of the United States, a military tribunal, or a tribe has been violated. These policies shall discourage, when appropriate, but not prohibit, dual arrests. Peace officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of **domestic violence** from continuing abuse, the threats creating fear of physical injury, the history of **domestic violence** between the persons involved, and whether either person acted in self-defense. These arrest policies shall be developed, adopted, and implemented by July 1, 1996. Notwithstanding subdivision (d), law enforcement agencies shall develop these policies with the input of local **domestic violence** agencies.

(c) These existing local policies and those developed shall be in writing and shall be available to the public upon request and shall include specific standards for the following:

(1) Felony arrests.

(2) Misdemeanor arrests.

(3) Use of citizen arrests.

(4) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.

(5) Verification and enforcement of stay-away orders.

(6) Cite and release policies.

(7) Emergency assistance to victims, such as medical care, transportation to a shelter, or a hospital for treatment when necessary, and police standbys for removing personal property and assistance in safe passage out of the victim's residence.

(8) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.

(9) Furnishing written notice to victims at the scene, including, but not limited to, all of the following information:

(A) A statement informing the victim that despite official restraint of the person alleged to have committed **domestic violence**, the restrained person may be released at any time.

(B) A statement that, "For further information about a shelter you may contact ____."

(C) A statement that, "For information about other services in the community, where available, you may contact ____."

(D) A statement that, "For information about the California Victims' Compensation Program, you may contact 1-800-777-9229."

(E) A statement informing the victim of **domestic violence** that ~~he or she~~ *the victim* may ask the district attorney to file a criminal complaint.

(F) A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:

(i) An order restraining the attacker from abusing the victim and other family members.

(ii) An order directing the attacker to leave the household.

(iii) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.

(iv) An order awarding the victim or the other parent custody of or visitation with a minor child or children.

(v) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.

(vi) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.

(vii) An order directing the defendant to make specified debit payments coming due while the order is in effect.

(viii) An order directing that either or both parties participate in counseling.

(G) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

(H) In the case of an alleged violation of subdivision (e) of Section 243 or Section 261, 261.5, 262, 273.5, 286, 287, or 289, or former Section 288a, a "Victims of **Domestic Violence**" card which shall include, but is not limited to, the following information:

(i) The names and phone numbers of or local county hotlines for, or both the phone numbers of and local county hotlines for, local shelters for battered women and rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers.

(ii) A simple statement on the proper procedures for a victim to follow after a sexual assault.

(iii) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

(iv) A statement that **domestic violence** or assault by a person who is known to the victim, including **domestic violence** or assault by a person who is the spouse of the victim, is a crime.

(I) A statement informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention.

(10) Writing of reports.

(d) In the development of these policies and standards, each local department is encouraged to consult with **domestic violence** experts, such as the staff of the local shelter for battered women and their children. Departments may use the response guidelines developed by the commission in developing local policies.

(e) This section shall remain in effect until January 1, 2022, and as of that date is repealed.

SEC. 5. Section 13701 is added to the Penal Code, to read:

13701. (a) Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' responses to **domestic violence** calls by January 1, 1986. These policies shall reflect that **domestic violence** is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving **domestic violence** is the same as any other request for assistance where **violence** has occurred.

(b) The written policies shall encourage the arrest of **domestic violence** offenders if there is probable cause that an offense has been committed. These policies also shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order issued under Chapter 4 (commencing with Section 2040) of Part 1 of Division 6, Division 10 (commencing with Section 6200), or Chapter 6 (commencing with Section 7700) of Part 3 of Division 12, of the Family Code, or Section 136.2 of this code, or by a court of any other state, a commonwealth, territory, or insular possession subject to the jurisdiction of the United States, a military tribunal, or a tribe, has been violated. These policies shall discourage, when appropriate, but not prohibit, dual arrests. Peace officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of **domestic violence** from continuing abuse, the threats creating fear of physical injury, the history of **domestic violence** between the persons involved, and whether either person acted in self-defense. These arrest policies shall be developed, adopted, and implemented by July 1, 1996. Notwithstanding subdivision (d), law enforcement agencies shall develop these policies with the input of local **domestic violence** agencies.

(c) These existing local policies and those developed shall be in writing and shall be available to the public upon request and shall include specific standards for the following:

(1) Felony arrests.

(2) Misdemeanor arrests.

(3) Use of citizen arrests.

(4) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.

(5) Verification and enforcement of stay-away orders.

(6) Cite and release policies.

(7) Emergency assistance to victims, such as medical care, transportation to a shelter, or a hospital for treatment when necessary, and police standbys for removing personal property and assistance in safe passage out of the victim's residence.

(8) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.

(9) Furnishing written notice to victims at the scene, including, but not limited to, all of the following information:

(A) A statement informing the victim that despite official restraint of the person alleged to have committed **domestic violence**, the restrained person may be released at any time.

(B) A statement that, "For further information about a shelter you may contact ____."

(C) A statement that, "For information about other services in the community, where available, you may contact ____."

(D) A statement that, "For information about the California Victims' Compensation Program, you may contact 1-800-777-9229."

(E) A statement informing the victim of **domestic violence** that the victim may ask the district attorney to file a criminal complaint.

(F) A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:

(i) An order restraining the attacker from abusing the victim and other family members.

- (ii) An order directing the attacker to leave the household.
 - (iii) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
 - (iv) An order awarding the victim or the other parent custody of or visitation with a minor child or children.
 - (v) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
 - (vi) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
 - (vii) An order directing the defendant to make specified debit payments coming due while the order is in effect.
 - (viii) An order directing that either or both parties participate in counseling.
- (G) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.
- (H) In the case of an alleged violation of subdivision (e) of Section 243 or Section 261, 261.5, 262, 273.5, 286, 287, or 289, or former Section 288a, a "Victims of **Domestic Violence**" card printed in a distinct color from any Victims' Rights Card distributed pursuant to Section 679.08 and available in languages in addition to English, including a minimum of the five most commonly spoken languages in that county. The Victims of **Domestic Violence** card shall include, but is not limited to, the following information:
- (i) The names and phone numbers, including area code of, or local county hotlines for, or both the phone numbers of and local county hotlines for, local shelters, agencies, and rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers. If the list of **domestic violence** shelter agencies is voluminous, the card may include an internet website, telephone number, or both that contains the full listing.
 - (ii) A simple statement on the proper procedures for a victim to follow after a sexual assault.
 - (iii) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
 - (iv) A statement that **domestic violence** or assault by a person who is known to the victim, including **domestic violence** or assault by a person who is the spouse of the victim, is a crime.
 - (v) The definition of **domestic violence** pursuant to subdivision (e) of Section 243 and Section 273.5.
 - (vi) The statute of limitations for **domestic violence** crimes.
 - (vii) A notation that the Office of Emergency Services internet website contains additional information about **domestic violence**, including information about how to file for a restraining or protective order and information on filing civil suits related to **domestic violence**. The card shall include the internet address for the internet website developed pursuant to Section 13823.18.
 - (viii) Contact information for additional assistance, including, but not limited to, the National **Domestic Violence** Hotline and internet website.
 - (ix) A disclaimer in at least 10-point type that states:

"PLEASE NOTE THAT THIS INFORMATION IS PROVIDED IN AN ATTEMPT TO ASSIST THE VICTIM OF **DOMESTIC VIOLENCE** BY NOTIFYING THE VICTIM ABOUT SOME, BUT NOT NECESSARILY ALL, SERVICES AVAILABLE TO THE VICTIM; THE PROVISION OF THIS INFORMATION AND THE INFORMATION CONTAINED THEREIN IS NOT LEGAL ADVICE AND IS NOT INTENDED TO CONSTITUTE A GUARANTEE OF ANY VICTIM'S RIGHTS OR A VICTIM'S ELIGIBILITY OR ENTITLEMENT TO ANY SPECIFIC BENEFITS OR SERVICES."
- (I) A statement informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention.

(10) Writing of reports.

(d) In the development of these policies and standards, each local department is encouraged to consult with **domestic violence** experts, such as the staff of the local shelter for battered women and their children. Departments may use the response guidelines developed by the commission in developing local policies.

(e) An act or omission covered by subparagraph (H) of this section is a discretionary act pursuant to Section 820.2 of the Government Code.

(f) This section shall become operative on January 1, 2022.

SEC. 6. Section 13823.18 is added to the Penal Code, to read:

13823.18. (a) The Office of Emergency Services shall post on the agency's internet website, or on another internet website established for this purpose that is maintained by the office, information to assist victims of **domestic violence** with **domestic violence** law, the dynamics of victimization, and resources available to survivors of **domestic violence**. At a minimum, the internet website shall include:

(1) An explanation of what constitutes **domestic violence** under California law, including how **domestic violence** is defined in subdivision (e) of Section 243, Section 273.5, and in Section 6203 of the Family Code, and significant differences between those sections.

(2) Information regarding **domestic violence** shelter services available by county. This shall include, at a minimum, information about the shelter's policy on accepting victims with children, pets, or both, and any applicable limitations. It may include a map feature.

(3) The statute of limitations applicable to **domestic violence** crimes.

(4) Information about how to file a criminal complaint.

(5) A summary of state mandatory arrest policies for **domestic violence** crimes pursuant to subdivisions (c) and (d) of Section 836 and how they are modified by the dominant aggressor concept.

(6) The availability of **domestic violence** restraining and protective orders and information about how to obtain them.

(7) The impact of **domestic violence** on child custody and spousal support in civil court.

(8) Consequences of **domestic violence** and stalking-related restraining and protective orders and convictions in terms of the perpetrator's ability to own and possess firearms.

(9) The availability of federal U visas, their effect, and procedures to obtain them.

(10) The impact of **domestic violence** on children who witness it.

(11) Contact information for additional assistance, including, but not limited to, the National **Domestic Violence** Hotline and internet website.

(12) Resources available to **domestic violence** victims who are part of the gay, lesbian, bisexual, and transgender community.

(13) Dynamics of **domestic violence**.

(14) A summary of possible civil remedies available in **domestic violence**-related cases, including the applicable statutes of limitation.

(15) Services available to Native American victims of **domestic violence** occurring on tribal lands or a link to where this information may be found.

(16) A summary of the Safe at Home Program, as established pursuant to Section 6205 of the Government Code.

(17) Any additional information that the office determines would help victims of **domestic violence** understand their rights, available services, and applicable laws and legal procedures.

(b) The office may include on the internet website, in addition to the textual information required pursuant to subdivision (a), embedded video features that discuss the information described in subdivision (a), including advice on how to safely escape a violent relationship, survivors' stories, or a combination of those topics.

(c) The information specified in subdivision (a) shall use plain language, be culturally competent, and be searchable. The information shall be translated into languages in addition to English, as determined by the department, including a minimum of the five most commonly spoken languages in California. If any embedded videos are included in the internet website pursuant to subdivision (b), they shall also be available in not less than five languages or in English with subtitles available in each of those languages.

(d) The office may consult with stakeholders, including representatives of organizations that support crime victims, experts in the dynamics of **domestic violence**, experts in **domestic violence** law, district attorneys, shelter service providers, and law enforcement agencies in developing the information specified in subdivisions (a) and (b).

(e) The office shall ensure that the information on the internet website is accurate and updated not less than once per year. With regard to the information required pursuant to paragraph (2) of subdivision (a), the office may rely on information provided to it by the shelter provider at least once annually and is not required to independently verify all of the information provided.

(f) The office shall encourage district attorneys' offices, county social service agencies, and state and local law enforcement agencies to provide links to the internet website established pursuant to this section on their internet websites.

(g) The office shall develop a model Victims of **Domestic Violence** card that can be modified by cities and counties in compliance with the requirements of Section 13701.

(h) This section shall become operative on January 1, 2022.

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



SB-1276 The Comprehensive Statewide Domestic Violence Program. (2019-2020)

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Date Published: 09/30/2020 02:00 PM

Senate Bill No. 1276

CHAPTER 249

An act to amend Section 13823.15 of the Penal Code, relating to **domestic violence**.

[Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, Rubio. The Comprehensive Statewide **Domestic Violence** Program.

Existing law establishes the Comprehensive Statewide **Domestic Violence** Program in the Office of Emergency Services to, among other things, provide local assistance to existing service providers and to establish a targeted or directed program for the development and establishment of **domestic violence** services in currently unserved and underserved areas. Existing law requires the Office of Emergency Services to provide financial and technical assistance to local **domestic violence** centers in implementing specified services. Existing law authorizes **domestic violence** centers to seek, receive, and make use of any funds that may be available from all public and private sources to augment state funds and requires centers receiving funds to provide cash or an in-kind match of at least 10% of the funds received.

This bill would remove the requirement for centers receiving funds to provide cash or an in-kind match for the funds received. The bill would make related findings and declarations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

- (a) Current state funding requirements for **domestic violence** shelter service providers require 10 percent matching funds, using either cash or in-kind matching funds. This state law requirement is in addition to matching fund requirements from federal funding sources.
- (b) **Domestic violence** programs rely on private funding, in-kind donations, or volunteer hours to meet this match requirement. In this time of crisis, flexibility is needed as programs adapt to the changing needs of the survivors, families, and communities they serve.
- (c) During the COVID-19 crisis, service providers have been forced to cancel large annual fundraisers, and small business and individual donors who have been impacted by the crisis are unable to donate to the program, reducing the availability of private funds to meet the match requirement.

(d) During the COVID-19 crisis, volunteers are staying home and in-kind donations are dwindling severely. Securing, documenting, and reporting funding matches would be a significant burden for programs who are shifting operations and service delivery in a crisis. Programs need to focus on keeping survivors and their staff safe and healthy, not on administrative requirements such as matching fund documentation.

(e) In recognition of the need for flexibility during this crisis, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act signed into law on March 27th, 2020, provided increased funding for **domestic violence** services through the Family **Violence** Prevention and Services Act (FVPSA) and waived the funding match requirement for these funds.

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

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

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

- (1) Twenty-four-hour crisis hotlines.
- (2) Counseling.
- (3) Business centers.
- (4) Emergency "safe" homes or shelters for victims and families.
- (5) Emergency food and clothing.
- (6) Emergency response to calls from law enforcement.
- (7) Hospital emergency room protocol and assistance.
- (8) Emergency transportation.
- (9) Supportive peer counseling.
- (10) Counseling for children.
- (11) Court and social service advocacy.
- (12) Legal assistance with temporary restraining orders, devices, and custody disputes.
- (13) Community resource and referral.
- (14) Household establishment assistance.

Priority for financial and technical assistance shall be given to emergency shelter programs and "safe" homes for victims of **domestic violence** and their children.

(c) (1) Except as provided in subdivision (f), the Office of Emergency Services 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.

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

(d) The Office of Emergency Services 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 Office of Emergency Services shall develop and disseminate throughout the state information and materials concerning **domestic violence**. The Office of Emergency Services shall also establish a resource center for the collection, retention, and distribution of educational materials related to **domestic violence**. The Office of Emergency Services 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 Office of Emergency Services as follows:

(1) The Office of Emergency Services 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 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 and appeal process shall be provided to all DVSSPs as part of the application required under the RFP process.

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

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

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

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

(5) A DVSSP funded through this program in the previous grant cycle, including a DVSSP funded by Chapter 707 of the Statutes of 2001, shall be funded upon reapplication, unless, pursuant to the assessment required under the RFA process, its past performance history fails to meet the standards established by the Office of Emergency Services pursuant to paragraph (1).

(6) The Office of Emergency Services shall conduct a minimum of one site visit every three years for each DVSSP funded pursuant to this subdivision. 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 Office of Emergency Services shall provide a written report to the DVSSP summarizing the performance of the DVSSP, deficiencies noted, corrective action needed, and a deadline for corrective action to be completed. The Office of Emergency Services shall also develop a corrective action plan for verifying the completion of corrective action required. The Office of Emergency Services 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 Office of Emergency Services 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, Child, and Adolescent Health Division of the State Department of Public Health during any grant cycle, the Comprehensive Statewide **Domestic Violence** Program and the Maternal, Child, and Adolescent Health Division 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 Office of Emergency Services 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 Office of Emergency Services, cannot be corrected, the Office of Emergency Services shall determine, using its grading system, whether continued funding for the DVSSP should be reduced or denied altogether. If a DVSSP has been determined to be deficient, the Office of Emergency Services may, at any point during the DVSSP's funding cycle following the expiration of the period for corrective action, deny or reduce further funding.

(10) If a DVSSP applies or reapplies for funding pursuant to this section and that funding is denied or reduced, the decision to deny or reduce funding shall be provided in writing to the DVSSP, along with a written explanation of the reasons for the reduction or denial made in accordance with the grading system for the RFP or RFA process. Except as otherwise provided, an appeal of the decision to deny or reduce funding shall be made in accordance with the appeal process established by the Office of Emergency Services. The appeal process shall allow a DVSSP a minimum of 30 days to appeal after a decision to deny or reduce funding. All pending appeals shall be resolved before final funding decisions are reached.

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

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

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

(14) As a condition of receiving funding pursuant to this section, DVSSPs shall

ensure that appropriate staff and volunteers having client contact meet the definition of "**domestic violence** counselor" as specified in subdivision (a) of Section 1037.1 of the Evidence Code. The minimum training specified in paragraph (2) of subdivision (a) of Section 1037.1 of the Evidence Code shall be provided to those staff and volunteers who do not meet the requirements of paragraph (1) of subdivision (a) of Section 1037.1 of the Evidence Code.

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

(A) "**Domestic violence**" means the infliction or threat of physical harm against past or present adult or adolescent intimate partners, including physical, sexual, and psychological abuse against the partner, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that person.

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

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

(g) The Office of Emergency Services may hire the support staff and utilize all resources necessary to carry out the purposes of this section. The Office of Emergency Services shall not utilize more than 10 percent of funds appropriated for the purpose of the program established by this section for the administration of that program.