



## SCR-76 Domestic Violence Awareness Month. (2019-2020)

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## Senate Concurrent Resolution No. 76

## CHAPTER 161

Relative to **domestic violence**.

[ Filed with Secretary of State September 19, 2019. ]

## LEGISLATIVE COUNSEL'S DIGEST

SCR 76, Rubio. **Domestic Violence** Awareness Month.

This measure would proclaim the month of October 2019, and each following October, as **Domestic Violence** Awareness Month.

Fiscal Committee: no

WHEREAS, October is annually recognized as National **Domestic Violence** Awareness Month; and

WHEREAS, Although progress has been made toward preventing and ending **domestic violence** and providing support to survivors and their families, important work remains to be done; and

WHEREAS, **Domestic violence** programs in California provide essential, lifesaving services for survivors, their children, and communities; and

WHEREAS, There is a need to provide education, awareness, and understanding of **domestic violence** and its causes; and

WHEREAS, There is a need to focus on the individualized needs of **domestic violence** survivors; and

WHEREAS, Approximately 40 percent of California women experience physical intimate partner **violence** in their lifetimes; and

WHEREAS, Women between 18 and 24 years of age are significantly more likely to be survivors of physical intimate partner **violence** than women in other age groups; and

WHEREAS, **Domestic violence** affects people of all genders, sexual orientations, ages, and racial, ethnic, cultural, social, religious, and economic groups in the United States and here in California; and

WHEREAS, The marginalization of certain groups in society, including undocumented individuals, transgender individuals, and people living with disabilities, increases their vulnerability to **domestic violence**; and

WHEREAS, Approximately 4 out of every 10 non-Hispanic black women, 4 out of every 10 American Indian or Alaska Native women, and 1 in 2 multiracial non-Hispanic women have been the victim of rape, physical **violence**, or stalking, or all of those crimes, by an intimate partner in their lifetime. These rates are 30 to 50



percent higher than those experienced by Hispanic women, white non-Hispanic women, and Asian or Pacific non-Hispanic women; and

WHEREAS, According to the American Psychological Association, women with disabilities have a 40 percent greater risk of intimate partner **violence** than women without disabilities; and

WHEREAS, Fifty-four percent of transgender and gender nonconforming people have experienced **domestic violence** in their lifetime; and

WHEREAS, **Domestic violence** is the third leading cause of homelessness among families in the United States; and

WHEREAS, **Domestic violence** has a significant economic impact on women throughout the country. An estimated 8,000,000 days of paid work are lost each year as the result of intimate partner **violence**. **Domestic violence** costs \$8.3 billion in expenses annually: a combination of higher medical costs (\$5.8 billion) and lost productivity (\$2.5 billion); and

WHEREAS, Children exposed to **domestic violence** can experience long-term consequences, including difficulty at school, substance abuse, behavioral problems in adolescence, and serious adult health problems; and

WHEREAS, Recognizing the need to understand the complexity of **violence** perpetuated within communities and against communities and the fear of many survivors to report **domestic violence** to law enforcement is imperative; and

WHEREAS, California law enforcement agencies received 169,362 **domestic violence**-related calls in 2017; and

WHEREAS, There were 90 **domestic violence**-related homicides in California in 2017, of which 80 of the fatalities were female and 10 were male. Eight percent of all homicides in 2017 were **domestic violence**-related; and

WHEREAS, All survivors deserve access to culturally responsive programs and services to increase their safety and self-sufficiency; and

WHEREAS, All communities deserve access to culturally responsive prevention programs and initiatives to improve overall community health and safety by challenging the societal norms that perpetuate **violence**; and

WHEREAS, The Legislature recognizes the vital role that all Californians can play in preventing and, one day, ending **domestic violence**; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature recognizes October 2019, and each following October, as **Domestic Violence** Awareness Month; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.





**AB-122 Multidisciplinary teams: human trafficking and domestic violence.** (2019-2020)

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Date Published: 12/03/2018 09:00 PM

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 122**

**Introduced by Assembly Member Grayson**

**December 03, 2018**

An act to amend Sections 13752 and 13753 of the Penal Code, relating to crime victims.

LEGISLATIVE COUNSEL'S DIGEST

AB 122, as introduced, Grayson. Multidisciplinary teams: human trafficking and **domestic violence**.

Existing law authorizes a city, county, city and county, or community-based nonprofit organization to establish a **domestic violence** multidisciplinary personnel team and a human trafficking multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of **domestic violence** or human trafficking cases and who are qualified to provide a broad range of services related to **domestic violence** or human trafficking. Existing law authorizes members of those multidisciplinary personnel teams to disclose to one another information and records that may be confidential but that are relevant to the prevention, identification, management, or treatment of those crimes. Existing law prohibits members of those teams from disclosing confidential information obtained from an individual to one another unless the member has obtained that individual's informed, written, reasonably time-limited consent to the disclosure, as specified.

This bill would remove the prohibition on disclosing confidential information without the individual's informed, written, and reasonably time-limited consent to the disclosure with regards to information obtained from a minor.

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

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

**SECTION 1.** Section 13752 of the Penal Code, as added by Section 3 of Chapter 802 of the Statutes of 2018, is amended to read:

**13752.** (a) Notwithstanding any other law, a city, county, city and county, or community-based nonprofit organization may establish a **domestic violence** multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of **domestic violence** cases and who are qualified to provide a broad range of services related to **domestic violence**.



(b) A **domestic violence** multidisciplinary team may include, but need not be limited to, any of the following:

- (1) Law enforcement personnel.
- (2) Medical personnel.
- (3) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.
- (4) District attorneys and city attorneys.
- (5) Victim-witness program personnel.
- (6) Sexual assault counselors, as defined in Section 1035.2 of the Evidence Code.
- (7) **Domestic violence** counselors, as defined in Section 1037.1 of the Evidence Code.
- (8) Social service agency staff members.
- (9) Child welfare agency social workers.
- (10) County health department staff.
- (11) City or county welfare and public assistance workers.
- (12) Nonprofit agency counseling professionals.
- (13) Civil legal service providers.
- (14) Human trafficking caseworkers, as defined in Section 1038.2 of the Evidence Code.

(c) (1) Notwithstanding any other law, following a report of suspected **domestic violence**, members of a **domestic violence** multidisciplinary personnel team engaged in the prevention, identification, and treatment of **domestic violence** may disclose to and exchange with one another information and writings that relate to any incident of **domestic violence** that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of **domestic violence**. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential, and testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding unless required by law.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically or electronically if there is adequate verification of the identity of the **domestic violence** multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the **domestic violence** multidisciplinary personnel team and those qualified to receive information as set forth in subdivision (d).

(d) The **domestic violence** multidisciplinary personnel team may designate persons qualified pursuant to subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (g).

(e) (1) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the **domestic violence** multidisciplinary team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the **domestic violence** multidisciplinary team.

(2) Members of the team that have confidential information obtained from an ~~individual~~ *individual who is not a minor*, shall not disclose that information to and with one another unless the member has obtained that individual's informed, written, reasonably time-limited consent to the disclosure, in accordance with all applicable state and federal confidentiality laws, or it is otherwise required by other state or federal law or by court order. Before that consent is obtained, a member of the team is required to inform the individual that the information may be shared with law enforcement professionals or other entities without that individual's consent if required by law.



(3) A disclosure of information consented to by an individual shall not be deemed a waiver of any privilege or confidentiality provision, including those contained in Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code and in Chapter 4 of Division 8 of the Evidence Code.

(f) Every member of the **domestic violence** multidisciplinary personnel team who receives information or records regarding children or families in his or her capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by providers and agencies, as well as information and records created in the course of a **domestic violence** investigation, shall be deemed private and confidential and shall be protected from discovery and disclosure by applicable statutory and common law protections, except where disclosure is required by law. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.

**SEC. 2.** Section 13753 of the Penal Code, as added by Section 3 of Chapter 802 of the Statutes of 2018, is amended to read:

**13753.** (a) Notwithstanding any other law, a city, county, city and county, or community-based nonprofit organization may establish a human trafficking multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of human trafficking cases and who are qualified to provide a broad range of services related to human trafficking.

(b) A human trafficking multidisciplinary team may include, but need not be limited to, any of the following:

- (1) Law enforcement personnel.
- (2) Medical personnel.
- (3) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.
- (4) District attorneys and city attorneys.
- (5) Victim-witness program personnel.
- (6) Sexual assault counselors, as defined in Section 1035.2 of the Evidence Code.
- (7) **Domestic violence** counselors, as defined in Section 1037.1 of the Evidence Code.
- (8) Social service agency staff members.
- (9) Child welfare agency social workers.
- (10) County health department staff.
- (11) City or county welfare and public assistance workers.
- (12) Nonprofit agency counseling professionals.
- (13) Civil legal service providers.
- (14) Human trafficking caseworkers, as defined in Section 1038.2 of the Evidence Code.

(c) (1) Notwithstanding any other law, following a report of suspected human trafficking, members of a human trafficking multidisciplinary personnel team engaged in the prevention, identification, and treatment of human trafficking may disclose to and exchange with one another information and writings that relate to any incident of human trafficking that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of human trafficking. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential, and testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding unless required by law.



(2) Disclosure and exchange of information pursuant to this section may occur telephonically or electronically if there is adequate verification of the identity of the human trafficking multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the human trafficking multidisciplinary personnel team and those qualified to receive information as set forth in subdivision (d).

(d) The human trafficking multidisciplinary personnel team may designate persons qualified pursuant to subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (g).

(e) (1) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the human trafficking multidisciplinary team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the human trafficking multidisciplinary team.

(2) Members of the team that have confidential information obtained from an ~~individual~~ *individual who is not a minor*, shall not disclose that information to and with one another unless the member has obtained that individual's informed, written, reasonably time-limited consent to the disclosure, in accordance with all applicable state and federal confidentiality laws, or it is otherwise required by other state or federal law or by court order. Before such consent is obtained, a member of the team is required to inform the individual that the information may be shared with law enforcement professionals or other entities without that individual's consent if required by law.

(3) A disclosure of information consented to by an individual shall not be deemed a waiver of any privilege or confidentiality provision, including those contained in Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code and in Chapter 4 of Division 8 of the Evidence Code.

(f) Every member of the human trafficking multidisciplinary personnel team who receives information or records regarding children or families in his or her capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by providers and agencies, as well as information and records created in the course of a **domestic violence** investigation, shall be deemed private and confidential and shall be protected from discovery and disclosure by applicable statutory and common law protections, except where disclosure is required by law. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.



WHEREAS, Approximately 4 out of every 10 non-Hispanic Black women, 4 out of every 10 American Indian or Alaska Native women, and one in 2 multiracial non-Hispanic women have been the victim of rape, physical **violence**, or stalking by an intimate partner in their lifetime, and these rates are 30 to 50 percent higher than those experienced by Hispanic, non-Hispanic, White and Asian or Pacific Islander non-Hispanic women; and

WHEREAS, According to the American Psychological Association, women with disabilities have a 40-percent greater risk of intimate partner **violence** than women without disabilities; and

WHEREAS, Fifty-four percent of transgender and gender nonconforming people have experienced **domestic violence** in their lifetime; and

WHEREAS, **Domestic violence** is the third-leading cause of homelessness among families in the United States; and

WHEREAS, **Domestic violence** has a significant economic impact on women throughout the country; an estimated 8 million days of paid work are lost as a result of intimate partner **violence**, and **domestic violence** costs \$8.3 billion in expenses annually—\$5.8 billion in medical costs and \$2.5 billion in lost productivity; and

WHEREAS, Children exposed to **domestic violence** can experience long-term consequences including difficulty at school, substance abuse, behavioral problems in adolescence, and serious adult health problems; and

WHEREAS, It is necessary to understand the complexity of **domestic violence** as perpetuated within communities and against communities, and the fear of many victims to report **domestic violence** to law enforcement; and

WHEREAS, California law enforcement agencies received 169,362 **domestic violence**-related calls for service in 2017; and

WHEREAS, In 2017, 90 **domestic violence**-related homicides occurred in California, of which 80 of the victims were female and 10 were male, and 8 percent of all homicides were related to **domestic violence**; and

WHEREAS, All survivors of **domestic violence** deserve access to culturally responsive programs and services to increase their safety and self-sufficiency; and

WHEREAS, All communities deserve access to culturally responsive prevention programs and initiatives to improve overall community health and safety by challenging the societal norms that perpetuate **violence**; and

WHEREAS, The Legislature recognizes the vital role that all Californians can play in preventing, and one day ending, **domestic violence**; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly recognizes October 2019, and each following October, as National **Domestic Violence** Awareness Month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.