



Overview of New Domestic Violence-Related Laws 2016 Legislative Session

Every year, new laws are passed in California which may impact survivors and the programs that provide services to domestic violence victims. Unless otherwise specified, these new laws take effect on January 1, 2017.

CalFresh

- **AB 2057 (Stone)** – This bill authorizes CalFresh recipients who are residents of, or on a waiting list to get into, a shelter for battered women and children to receive expedited CalFresh services if the abuser is part of the CalFresh household. This bill also requires the California Department of Social Services to provide information on expedited services targeted to victims of domestic violence. This bill defers an individual who is a victim of domestic violence from mandatory placement in Employment and Training. *Amends Welfare and Institutions Code §§ 18904.25 and 18926.5 of, and adds § 18914.5.*

Campus

- **AB 1654 (Santiago)** – This bill expands existing audit requirements regarding the reporting of crime statistics by California postsecondary education institutions by requiring the State Auditor to include an evaluation of institutions' compliance with state law governing crime reporting and the development and implementation of student safety policies and procedures. *Amends Education Code § 67382.*

Confidentiality

- **AB 2263 (Baker)** – This bill standardizes the confidentiality protections for Safe at Home program participants, regardless of whether their participation is based on their status as victims of domestic violence, stalking, or sexual assault, or on their status as a patient, employee, or volunteer at a reproductive health care clinic; and requires the Secretary of State to provide Safe at Home enrollees with information about how to protect their privacy on real property records. *Adds Government Code §§ 6209.5, 6215.10, and 6215.12.*

Corrections

- **AB 2590 (Weber)** – This bill finds and declares that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice and directs the Department of Corrections and Rehabilitation (CDCR) to develop a mission statement consistent with this bill's findings and declarations. This bill encourages CDCR to develop programs and policies to educate and rehabilitate eligible inmates.

This bill extends until January 1, 2022, the authority of the court to, in its discretion, impose the appropriate term that best serves the interests of justice.
Amends Penal Code § 1170.

Funding

- **AB 1399 (Baker)** – This bill authorizes the addition of the California Domestic Violence Victims Fund checkoff to the personal income tax return upon the removal of another voluntary contribution fund from the return, or as soon as space is available.
Adds Revenue and Taxation Code and repeal Article 2 (commencing with § 18711) of Chapter 3 of Part 10.2 of Division 2.
- **AB 1789 (Santiago)** – This bill authorizes the designated nonprofit organization to provide school supplies and health-related products to homeless children and homeless youth residing in or receiving services from specified living centers. This bill also extends the sunset date for the School Supplies for Homeless Children Fund tax check-off on the personal income tax return until January 1, 2022, or when the amount of contributions by taxpayers does not meet the minimum contribution amount, whichever occurs first.
Amends Revenue and Taxation Code §§ 18897 and 18898.

Education and Adolescent Dating Abuse

- **AB 1014 (Thurmond)** – This bill establishes the Learning Communities for School Success Program for the purpose of implementing the K-12 education portion of the Safe Neighborhoods and Schools Act, approved as Proposition 47 by the voters at the November 4, 2014, statewide general election.
Adds Education Code Article 10 (commencing with § 33430) to Chapter 3 of Part 20 of Division 2 of Title 2, and to repeal § 33434.
- **AB 2246 (O'Donnell)** – This bill requires local educational agencies that serve students in grades 7 to 12 to adopt policies on the prevention of student suicides and also require the California Department of Education to develop and maintain a model suicide prevention policy.
Adds Education Code Article 2.5 (commencing with § 215) to Chapter 2 of Part 1 of Division 1 of Title 1.
- **AB 2536 (Chau)** – This bill adds to the definition of bullying via an electronic act “cyber sexual bullying” and requires the California Department of Education to include information on cyber sexual bullying on the California Healthy Kids Resource Center Internet Web site and other appropriate California Department of Education Internet Web sites where information about discrimination, harassment, intimidating and bullying is posted.
Amends Education Code §§ 234.2 and 48900.
- **SB 527 (Liu)** – This bill establishes a grant program, to be administered by the California Department of Education, that furthers the purpose of Proposition 47 in reducing truancy and supporting students who are at risk of dropping out of school or who are victims of crime.
Adds Education Code Article 10 (commencing with § 33430) to Chapter 3 of Part 20 of Division 2 of Title 2 of, and to repeal § 33434.

- **SB 1435 (Jackson)** – This bill requires the Instructional Quality Commission to consider including comprehensive information, for grades K-8, on the development of healthy relationships in the next revision to the Health framework.
Adds Education Code § 33546.

Employment Rights

- **AB 2337 (Burke)** – This bill expands employer notice requirements domestic violence employee protections. Specifically, this bill provides that an employer shall inform each employee of his or her rights established under current law protecting employees affected by domestic violence, by providing that information in writing to new employees upon hire and to other employees upon request. This bill requires the Labor Commissioner to develop a form that an employer may use to satisfy this notice requirement, as specified.
Amends Labor Code § 230.1.

Family Law

- **SB 1255 (Moorlach)** – This bill defines “date of separation” for purposes of the Family Code as the date that a complete and final break in the marital relationship has occurred, as evidenced by a spouse’s expression of his or her intent to end the marriage and conduct that is consistent with that intent, and updates the Family Code to reflect this definition.
Amends Family Code §§ 771, 910, 914, and 4338 of, adds § 70.

Firearms

- **AB 1999 (Achadjian)** – This bill requires the Department of Justice to both complete an initial review of a match in the Armed Prohibition Persons System (APPS) within seven days of the match being placed in the queue, and periodically reassess whether the department can complete reviews of APPS matches more efficiently, as specified.
Adds Penal Code § 30020.

Housing

- **SB 1380 (Mitchell)** – This bill requires a state agency or department that funds, implements, or administers a state program that provides housing or housing-related services to people experiencing homelessness or at risk of homelessness to adopt guidelines and regulations to including Housing First policies. It also establishes the Homeless Coordinating and Financing Council to oversee implementation of the Housing First regulations and, among other things, identify resources, benefits, and services that can be accessed to prevent and end homelessness in California.
Adds Welfare and Institutions Code Chapter 6.5 (commencing with § 8255) to Division 8.

Human Trafficking

- **AB 1684 (Stone)** – This bill, independent of any other remedy or procedure that might apply, provides the Department of Fair Employment and Housing (DFEH) with the authority to receive, investigate, conciliate, mediate, and prosecute human trafficking complaints on behalf of a human trafficking victim, as specified. Damages awarded in any such DFEH action shall be awarded to the person harmed by the violation of

human trafficking, as specified, but costs and attorney's fees awarded in any such action shall be awarded to the DFEH.

Amends Government Code § 12930.

- **AB 1761 (Weber)** – This bill creates a human trafficking affirmative defense applicable to non-violent, non-serious, non-trafficking crimes. This bill states that, in addition to any other affirmative defense, it is a defense to a crime that the person was coerced to commit the offense as a direct result of being a human trafficking victim at the time of the offense and of reasonable fear of harm.
Adds Evidence Code § 1107.5, and adds Penal Code § 236.23.
- **AB 2498 (Bonta)** – This bill protects the names, addresses, and images of victims of human trafficking and of their families, from public disclosure.
Amends Government Code § 6254 and amends §§ 293 and 293 of, and adds Penal Code § 1048.2.
- **SB 823 (Block)** – This bill allows a person who was a victim of human trafficking to petition for dismissal of a conviction or juvenile adjudication for any non-violent offense committed as a direct result of being a human trafficking victim and to have the arrest and court records for such an offense sealed. This bill also sets substantive and procedural rules for a hearing on the petition for relief.
Adds Penal Code § 236.14.

Immigration

- **AB 2027 (Quirk)** – This bill requires, upon the request of an immigrant victim of human trafficking, a certifying agency to certify victim cooperation on the applicable form so that the victim may apply for a T-Visa to temporarily live and work in the United States.
Adds Penal Code § 679.11.
- **AB 2792 (Bonta)** – This bill requires local law enforcement agencies, prior to an interview between the United States Immigration and Customs Enforcement (ICE) and an individual in custody, to provide the individual a written consent form, as specified, that would include information describing the purpose of the interview, that it is voluntary, and that the individual may decline to be interviewed. This bill also requires local law enforcement agencies to provide copies of specified documentation received from ICE to the individual and to notify the individual regarding the intent of the agency to comply with ICE requests.
Adds Government Code Chapter 17.2 (commencing with § 7283) to Division 7 of Title 1.

Law Enforcement

- **AB 1678 (Santiago)** – This bill allows a victim of specified crimes to receive a timely copy of his or her law enforcement incident report, free of charge.
Amends Family Code § 6228.
- **SB 1200 (Jackson)** – This bill requires the annual crime report published by the Department of Justice to include information concerning arrests for animal cruelty.
Adds Penal Code § 13012.8.

Probation

- **SB 883 (Roth)** – This bill conforms the punishment for a violation of protection order issued after conviction of an offense involving domestic violence to the punishment for other similar protective orders.
Amends Penal Code § 166.

Sexual Assault

- **AB 701 (Garcia)** – This bill provides that the Legislature finds and declares all forms of nonconsensual sexual assault may be considered rape for the purposes of the gravity of the offense and the support of survivors.
Adds Penal Code § 263.1.
- **AB 2499 (Maienschein)** – This bill requires the Department of Justice (DOJ) on or before July 1, 2018, and in consultation with law enforcement agencies and crime victims groups, to establish a process by which victims of sexual assault may inquire regarding the location and information regarding their sexual assault evidence kits.
Adds Penal Code § 680.1.
- **SB 813 (Leyva)** – This bill eliminates any statute of limitation for specified sex offenses. This bill would apply to these crimes committed after January 1, 2017, and to crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017.
Amends Penal Code §§ 799, 801.1, and 803.

Victim's Compensation

- **AB 1563 (Rodriguez)** – This bill establishes a six-month deadline for the Victim Compensation and Government Claims Board to respond to an appeal by a crime victim who has had an application for compensation denied.
Amends Government Code § 13959.
- **AB 2295 (Baker)** – This bill conforms statutory restitution provisions to the requirement in the California Constitution that each victim is entitled restitution from the perpetrator of the crime in which the victim suffered a loss.
Amends Penal Code §§ 186.11, 186.12, 1202.4 and 1202.46.