



Overview of New Domestic Violence-Related Laws 2017 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, 2018.

Awareness

- **AB 326 (Salas)** – This bill empowers the Board of Barbering and Cosmetology to promote awareness of physical and sexual abuse among their clients.
Amends, repeals and adds §§ 7314.3 and 7389 and adds §§ 7314.5 and 7319.7 to the Business and Professions Code.

CalWORKs

- **AB 557 (Rubio)** – This bill authorizes, as of July 1, 2018, applicants for and recipients of California Work Opportunity and Responsibility to Kids (CalWORKs) benefits who have experienced domestic violence to be eligible for CalWORKs homeless assistance and good-cause exemptions from school participation and immunization requirements under specified circumstances.
Amends § 11450 of, amends, repeals and adds §§ 11253.5 and 11265.8 and adds §§ 11495.16 and 11495.17 to the Welfare and Institutions Code.

Campus

- **SB 331 (Jackson)** – This bill expands the definition of “domestic violence victim services organization” to include a public or private institution of higher education, thereby expanding the scope of the privilege.
Amends Evidence Code § 1037.1.

Confidentiality

- **AB 413 (Eggman)** – This bill allows a party to a confidential communication to record the conversation for the purpose of obtaining information reasonably believed to relate to the crime of domestic violence.
Amends Penal Code §§ 633.5 and 633.6.
- **SB 597 (Leyva)** – This bill makes the address confidentiality program administered by the Secretary of State known as the Safe at Home program available to victims of human trafficking and makes additional confirming changes. This bill also expands the program to include household members of victims of domestic violence, sexual assault, stalking, and human trafficking.
Amends Government Code §§ 6205, 6205.5, 6206, 6206.7, 6208.5, 6209.5 and 6209.7.

Courts

- **AB 976 (Berman)** – This bill expands permissive electronic filing and service to other case types and clarifies rules about electronic filing and service relating to electronic signatures, timing, notice and transmission.
Amends Code of Civil Procedure §§ 664.5, 1010.5, 1011, and 1020 and adds § 1013b. Adds Penal Code § 690.5. Amends Penal Code §§ 331, 366, 453, 711, 715, 732, 733, 1050, 1209, 1212, 1213, 1214, 1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8200, 8203, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585, 10586, 10587, 11601, 13200, 13655, 15686, 16061.7, 16061.8, 16061.9, 16336.6, 16501, 16502, 16503, 17203, 17204, 17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222. Amend and renumber and add § 1265 and repeal § 1216 of the Probate Code. Amends Welfare and Institutions Code §§ 248, 248.5, 297, 302, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 728, 777, 778, 779, 785, 903.45, and 5362 and to amend and repeal §§ 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1 and to add § 212.5.
- **AB 1450 (Oberholte)** - This bill requires the official reporter or official reporter pro tempore to deliver its transcripts to parties and the court in electronic form unless a party requests the transcript in paper form or other exceptions apply no later than 2023. This bill does not apply to deposition transcripts.
Repeal and adds § 271 of the Code of Civil Procedure.

Education and Adolescent Dating Abuse

- **AB 643 (Frazier)** – This bill requires that content on the early warning signs of adolescent relationship abuse and intimate partner violence to be included in mandated sexual health instruction.
Amends Education Code § 51934.

Employment Protections

- **AB 1008 (McCarty)** – This bill prohibits an employer, with certain exceptions, from inquiring about or considering a job applicant’s conviction history prior to a conditional offer of employment, and sets requirements regarding the consideration of conviction histories in employment decisions.
Adds Government Code § 12952 and repeals Labor Code § 432.9.
- **SB 63 (Jackson)** – This bill makes it an unlawful employment practice for an employer of 20 or more employees, to refuse to allow an eligible employee to take up to 12 weeks of job protected parental leave to bond with a new child within one year of a child’s birth, adoption or foster care placement. This bill also prohibits an employer from refusing to maintain and pay for the employee’s continued group health coverage during the duration of the leave.
Adds, repeals and adds § 12945.6 of the Government Code.

Housing

- **SB 2 (Atkins)** – This bill establishes the Building Homes and Jobs Act and imposes a \$75 fee on real estate transaction documents, excluding commercial and residential real estate sales, to provide funding for affordable housing.

Adds Government Code § 27388.1 and adds Health and Safety Code Chapter 2.5 (commencing with § 50470) to Part 2 of Division 31.

Immigration

- **SB 54 (de Leon)** – This bill limits the involvement of state and local law enforcement agencies in federal immigration enforcement. It also ensures that California schools, health facilities, libraries, courthouses, and the Division of Labor Standards Enforcement will remain safe and accessible to all California residents, regardless of immigration status.

Amends Government Code §§ 7282 and 7282.5 and adds Chapter 17.25 (commencing with § 7284) to Division 7 of Title 1 and repeals Health and Safety Code § 11369.

Law Enforcement

- **AB 459 (Chau)** – This bill restricts under the California Public Records Act, the public disclosure of video and audio recordings held by law enforcement that depict a victim of sexual or domestic violence, and requires that the victim or victim's family be given access to a copy of the recording.

Adds Government Code § 6254.4.5.

- **SB 40 (Roth)** – This bill requires written notice to be furnished to victims at the scene of a domestic violence incident informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention. This bill also requires law enforcement agencies and the Attorney General to include the number of domestic violence incidents involving strangulation or suffocation in their existing reporting requirements.

Amends Penal Code §§ 13701 and 13730.

Multidisciplinary Teams

- **AB 210 (Santiago)** – This bill allows counties to develop a homeless adult and family multidisciplinary team in order to facilitate identification and assessment of homeless individuals, and link homeless individuals to housing and supportive services, and to allow service providers to share confidential information to ensure continuity of care.

Adds Welfare and Institutions Code Chapter 18 (commencing with § 18999.8) to Part 6 of Division 9.

Non-Consensual Image Sharing

- **SB 157 (Wieckowski)** – This bill strengthens provisions that protect the confidentiality of a person who brings a civil action alleging so called "revenge porn" by expanding the definition of "identifying characteristic" and extending redaction requirements to discovery documents. This bill also establishes a 60 day waiting period for the public to access case files to provide plaintiffs with time to request that the records are sealed. In addition, the bill requires the Judicial Council to adopt or revise as appropriate rules and forms in order to implement this bill.

Amends Civil Code § 1708.85 and amends Government Code § 6276.12.

- **SB 500 (Leyva)** – This bill expands the crime of extortion to include not only the obtaining of property, but also the obtaining of other consideration, including sexual conduct or images of intimate body parts.

Amends Penal Code §§ 518, 520, 523, 524, 526.

Restraining Orders

- **AB 264 (Low)** – This bill requires the court to consider issuing a restraining order for up to 10 years in gang cases, and expands the court’s authority to issue post-conviction restraining orders to cover witnesses to the qualifying crimes.
Amends Penal Code § 136.2.
- **AB 953 (Baker)** – This bill allows a court to make information about a minor contained in a civil harassment or domestic violence protective order confidential, subject to a balancing test.
Amends Code of Civil Procedure § 527.6, and adds Family Code § 6301.5.
- **SB 204 (Dodd)** – This bill enacts the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act, which authorizes the enforcement of a valid Canadian domestic violence protection order in a tribunal of this state under certain conditions.
Adds Family Code Part 6 (commencing with § 6450) to Division 10.

Trauma Recovery Centers

- **AB 1384 (Weber)** – This bill recognizes the Trauma Recovery Center at San Francisco General Hospital as the State Pilot Trauma Recovery Center and requires the California Victims Compensation and Government Claims Board to use the model developed by this center when it awards grants to establish additional trauma recovery centers.
Amends Government Code § 13963.1 and adds § 13963.2.