

**ASSEMBLY BILL**

**No. 2826**

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**Introduced by Assembly Member Daucher**

February 25, 2002

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An act to amend Section 13700 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2826, as introduced, Daucher. Domestic violence.

Under existing law, law enforcement agencies are required to have developed, adopted, and implemented policies and standards for officers' and dispatchers' responses to domestic violence calls, as specified. Those policies and standards are required to reflect a high level of priority and enforcement for those cases, including treating calls for assistance regarding domestic violence the same as any other call involving violence. Local agencies also have data collection and communication obligations regarding domestic violence cases. For purposes of these laws, domestic violence is defined as abuse committed against an adult or a fully emancipated minor who is involved in a specified relationship or who previously had a specified relationship with the suspect.

This bill would expand that definition of domestic violence for purposes of these laws to include abuse against any minor who is involved in one of those relationships or who previously had one of those relationships with the suspect. This bill would also expand the definition of domestic violence for these purposes to include abuse committed against an adult 65 years of age or older who is a parent or stepparent of the abuser.

By increasing the scope of domestic violence duties on local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 13700 of the Penal Code is amended to  
 2 read:  
 3 13700. As used in this title:  
 4 (a) “Abuse” means intentionally or recklessly causing or  
 5 attempting to cause bodily injury, or placing another person in  
 6 reasonable apprehension of imminent serious bodily injury to  
 7 himself or herself, or another.  
 8 (b) “Domestic violence” means abuse committed against an  
 9 adult or a ~~fully emancipated~~ minor who is a spouse, former spouse,  
 10 cohabitant, former cohabitant, or person with whom the suspect  
 11 has had a child or is having or has had a dating or engagement  
 12 relationship, *or abuse committed against an adult 65 years of age*  
 13 *or older who is a parent or stepparent of the abuser.* For purposes  
 14 of this subdivision, “cohabitant” means two unrelated adult  
 15 persons living together for a substantial period of time, resulting  
 16 in some permanency of relationship. Factors that may determine  
 17 whether persons are cohabiting include, but are not limited to, (1)  
 18 sexual relations between the parties while sharing the same living  
 19 quarters, (2) sharing of income or expenses, (3) joint use or  
 20 ownership of property, (4) whether the parties hold themselves out  
 21 as husband and wife, (5) the continuity of the relationship, and (6)  
 22 the length of the relationship.



1 (c) “Officer” means any officer or employee of a local police  
2 department or sheriff’s office, and any peace officer of the  
3 Department of the California Highway Patrol, the Department of  
4 Parks and Recreation, the University of California Police  
5 Department, or the California State University and College Police  
6 Departments, as defined in Section 830.2, a housing authority  
7 patrol officer, as defined in subdivision (d) of Section 830.31, or  
8 a peace officer as defined in subdivisions (a) and (b) of Section  
9 830.32.

10 (d) “Victim” means a person who is a victim of domestic  
11 violence.

12 SEC. 2. Notwithstanding Section 17610 of the Government  
13 Code, if the Commission on State Mandates determines that this  
14 act contains costs mandated by the state, reimbursement to local  
15 agencies and school districts for those costs shall be made pursuant  
16 to Part 7 (commencing with Section 17500) of Division 4 of Title  
17 2 of the Government Code. If the statewide cost of the claim for  
18 reimbursement does not exceed one million dollars (\$1,000,000),  
19 reimbursement shall be made from the State Mandates Claims  
20 Fund.

