

Introduced by Senator Hayden

February 22, 1995

An act to amend Section 44014 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 691, as introduced, Hayden. School employees: assaults.

Under existing law, whenever any employee of a school district or county superintendent of schools is attacked, assaulted, or menaced by any pupil, it is the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed who has knowledge of the incident to promptly report the incident to specified law enforcement authorities. Failure to make the report is a misdemeanor punishable by a fine of not more than \$200.

This bill would instead require that the report be made by those persons whenever any employee of a school district or county superintendent of schools is assaulted by any person and would change the fine to \$1,000, thereby imposing 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 44014 of the Education Code is
2 amended to read:

3 44014. (a) Whenever any employee of a school
4 district or of the office of a county superintendent of
5 schools is attacked, assaulted, or menaced, by any ~~pupil~~
6 *person*, it shall be the duty of ~~such the~~ employee, and the
7 duty of any person under whose direction or supervision
8 ~~such the~~ employee is employed in the public school
9 system who has knowledge of ~~such the~~ incident, to
10 promptly report the ~~same incident~~ to the appropriate law
11 enforcement authorities of the county or city in which the
12 ~~same incident~~ occurred. Failure to make ~~such the~~ report
13 shall be a misdemeanor punishable by a fine of not more
14 than ~~two hundred dollars (\$200)~~ *one thousand dollars*
15 *(\$1,000)*.

16 (b) Compliance with school district governing board
17 procedures relating to the reporting of, or facilitation of
18 reporting of, the incidents specified in subdivision (a)
19 shall not exempt a person under a duty to make the report
20 prescribed by subdivision (a) from making ~~such a the~~
21 report.

22 (c) A member of the governing board of a school
23 district, a county superintendent of schools, or an
24 employee of any school district or the office of any county
25 superintendent of schools, shall not directly or indirectly
26 inhibit or impede the making of the report prescribed by
27 subdivision (a) by a person under a duty to make ~~such the~~
28 report. ~~Such an~~ *An* act to inhibit or impede the making
29 of ~~such a~~ report shall be a misdemeanor, and shall be
30 punishable by a fine of not less than one hundred dollars
31 (\$100) or more than two hundred dollars (\$200).

32 (d) Neither the governing board of a school district, a
33 member of the governing board, a county
34 superintendent of schools, nor an employee of a school
35 district or of the office of any county superintendent of
36 schools shall impose any sanctions against a person under
37 a duty to make the report prescribed by subdivision (a)
38 for making ~~such a the~~ report.



1 SEC. 2. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because the only costs that may be incurred
4 by a local agency or school district will be incurred
5 because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution.

11 Notwithstanding Section 17580 of the Government
12 Code, unless otherwise specified, the provisions of this act
13 shall become operative on the same date that the act
14 takes effect pursuant to the California Constitution.

