

Senate Bill No. 691

CHAPTER 17

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

[Approved by Governor March 18, 1996. Filed with
Secretary of State March 18, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 691, Hayden. School employees: assaults.

(1) Under existing law, whenever any employee of a school district or county superintendent of schools is attacked, assaulted, or menaced by any pupil, the employee and any person under whose direction or supervision the employee is employed who has knowledge of the incident are required 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. An act by specified persons to inhibit or impede the making of the report is a misdemeanor punishable by a fine of not less than \$100 and not more than \$200.

This bill would instead provide that the failure to make the report is an infraction punishable by a fine of not more than \$1,000 and would also include physical threats by a pupil within the acts that must be reported. The bill would also provide that inhibiting or impeding the making of the report is an infraction punishable by a fine of not less than \$500 and not more than \$1,000.

(2) 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.

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

SECTION 1. Section 44014 of the Education Code is amended to read:

44014. (a) Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by any pupil, it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city

in which the incident occurred. Failure to make the report shall be an infraction punishable by a fine of not more than one thousand dollars (\$1,000).

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

(c) A member of the governing board of a school district, a county superintendent of schools, or an employee of any school district or the office of any county superintendent of schools, shall not directly or indirectly inhibit or impede the making of the report prescribed by subdivision (a) by a person under a duty to make the report. An act to inhibit or impede the making of a report shall be an infraction, and shall be punishable by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

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

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

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

