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**AB-372 Domestic violence: probation.** (2017-2018)

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**Assembly Bill No. 372**

**CHAPTER 290**

An act to add and repeal Section 1203.099 of the Penal Code, relating to domestic violence.

[ Approved by Governor September 07, 2018. Filed with Secretary of State September 07, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 372, Mark Stone. Domestic violence: probation.

Existing law specifies that the terms of probation granted to a person who has been convicted of domestic violence are required to include, among other things, successful completion of a batterer's program, as defined, or, if such a program is not available, another appropriate counseling program designated by the court, for a period of not less than one year. Existing law requires the program to be completed within 18 months and allows no more than 3 excused absences. Existing law provides for the approval of batterer's programs by the probation department and requires the goal of a batterer's program to be stopping domestic violence. Existing law requires a program to meet certain requirements.

This bill would, effective July 1, 2019, and until July 1, 2022, authorize the Counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer an alternative program, for individuals convicted of domestic violence. The bill would require that alternative program to meet specified conditions, including that the county performs a risk and needs assessment and includes components which are evidence-based or promising practices, as defined. The bill would require a county that offers a program pursuant to these provisions to collect specified data and report to the Legislature.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 1203.099 is added to the Penal Code, to read:

**1203.099.** (a) The counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo may offer a program for individuals convicted of domestic violence that does not comply with the requirement of the batterer's program in Sections 1203.097 and 1203.098 if the program meets all of the following conditions:

- (1) The county develops the program in consultation with the domestic violence service providers and other relevant community partners.
- (2) The county performs a risk and needs assessment utilizing an assessment demonstrated to be appropriate for domestic violence offenders for each offender entering the program.
- (3) The offender's treatment within the program is based on the findings of the risk and needs assessment.

(4) The program includes components which are evidence-based or promising practices.

(5) The program has a comprehensive written curriculum that informs the operations of the program and outlines the treatment and intervention modalities.

(6) The offender's treatment within the program is for not less than one year in length, unless an alternative length is established by a validated risk and needs assessment completed by the probation department or an organization approved by the probation department.

(7) The county collects all of the following data for participants in the program:

(A) The offender's demographic information, including age, gender, race, ethnicity, marital status, familial status, and employment status.

(B) The offender's criminal history.

(C) The offender's risk level as determined by the risk and needs assessment.

(D) The treatment provided to the offender during the program and if the offender completed that treatment.

(E) The offender's outcome at the time of program completion, and six months after completion, including subsequent restraining order violations, arrests and convictions, and feedback provided by the victim if the victim desires to participate.

(8) The county reports all of the following information annually to the Legislature:

(A) The risk and needs assessment tool used for the program.

(B) The curriculum used by each program.

(C) The number of participants with a program length other than one year, and the alternative program lengths used.

(D) Individual data on the number of offenders participating in the program.

(E) Individual data for the items described in paragraph (7).

(b) Offenders who complete a program described in subdivision (a) shall be deemed to have met the batterer's program requirements set forth in Section 1203.097.

(c) As used in this section, the following definitions shall apply:

(1) "Evidence-based program or practice" means a program or practice that has a high level of research indicating its effectiveness, determined as a result of multiple rigorous evaluations including randomized controlled trials and evaluations that incorporate strong comparison group designs, or a single large multisite randomized study, and, typically, has specified procedures that allow for successful replication.

(2) "Promising program or practice" means a program or practice that has some research demonstrating its effectiveness but does not meet the full criteria for an evidence-based designation.

(d) A report to be submitted pursuant to paragraph (8) of subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(e) This section shall become operative on July 1, 2019.

(f) This section shall remain in effect only until July 1, 2022, and as of that date is repealed.