



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-998 Multidisciplinary teams: human trafficking and domestic violence. (2017-2018)

SHARE THIS:  

Date Published: 09/27/2018 09:00 PM

Assembly Bill No. 998

CHAPTER 802

An act to amend the heading of Title 5.3 (commencing with Section 13750) of, to add the heading of Chapter 1 (commencing with Section 13750) to Title 5.3 of, and to add Chapter 2 (commencing with Section 13752) to Title 5.3 of, Part 4 of the Penal Code, relating to crime victims.

[Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 998, Grayson. Multidisciplinary teams: human trafficking and domestic violence.

Existing law authorizes a city, county, city and county, or community-based nonprofit organization to establish a family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety, increase offender accountability, and improve access to services for victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking. Existing law also authorizes counties to establish multidisciplinary personnel teams regarding issues like child abuse to allow various agencies to collaborate.

This bill would authorize a city, county, city and county, or community-based nonprofit organization to establish a domestic violence multidisciplinary personnel team and a human trafficking multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of domestic violence or human trafficking cases and who are qualified to provide a broad range of services related to domestic violence or human trafficking. The bill would authorize members of those multidisciplinary personnel teams to disclose to one another information and records that may be confidential but that are relevant to the prevention, identification, management, or treatment of those crimes. The bill would impose additional requirements on the disclosure and use of that information, including, among other things, that members of the team not disclose confidential information obtained from an individual unless they have obtained that individual's informed, written, and reasonably time-limited consent to the disclosure, as specified. The bill would make information and records communicated or provided to the team members by all providers and agencies, as well as records created in the course of an investigation, confidential and protected from discovery and disclosure. The bill would make discussions relating to the disclosure or exchange of that information or records during team meetings confidential, unless required by law, and would prohibit testimony concerning those discussions from being admissible in any criminal, civil, or juvenile court proceeding.

The California Constitution provides for the Right to Truth-In-Evidence, which requires a $\frac{2}{3}$ vote of the Legislature to exclude any relevant evidence from any criminal proceeding, as specified.

Because this bill would exclude from a criminal proceeding information and records provided to the team and records created in the course of an investigation, as well as testimony concerning discussions relating to the disclosure or exchange of information between members of the multidisciplinary personnel teams, it requires a $\frac{2}{3}$ vote of the Legislature.

The bill would make existing civil and criminal penalties for inappropriate disclosure of confidential information applicable to multidisciplinary team members. By expanding the scope of persons subject to criminal penalties, 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.

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

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. The heading of Title 5.3 (commencing with Section 13750) of Part 4 of the Penal Code is amended to read:

TITLE 5.3. Family Justice Centers and Multidisciplinary Teams

SEC. 2. The heading of Chapter 1 (commencing with Section 13750) is added to Title 5.3 of Part 4 of the Penal Code, to read:

CHAPTER 1. Family Justice Centers

SEC. 3. Chapter 2 (commencing with Section 13752) is added to Title 5.3 of Part 4 of the Penal Code, to read:

CHAPTER 2. Multidisciplinary Teams

13752. (a) Notwithstanding any other law, a city, county, city and county, or community-based nonprofit organization may establish a domestic violence multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of domestic violence cases and who are qualified to provide a broad range of services related to domestic violence.

(b) A domestic violence multidisciplinary team may include, but need not be limited to, any of the following:

- (1) Law enforcement personnel.
- (2) Medical personnel.
- (3) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.
- (4) District attorneys and city attorneys.
- (5) Victim-witness program personnel.
- (6) Sexual assault counselors, as defined in Section 1035.2 of the Evidence Code.
- (7) Domestic violence counselors, as defined in Section 1037.1 of the Evidence Code.
- (8) Social service agency staff members.
- (9) Child welfare agency social workers.
- (10) County health department staff.
- (11) City or county welfare and public assistance workers.
- (12) Nonprofit agency counseling professionals.
- (13) Civil legal service providers.
- (14) Human trafficking caseworkers, as defined in Section 1038.2 of the Evidence Code.

(c) (1) Notwithstanding any other law, following a report of suspected domestic violence, members of a domestic violence multidisciplinary personnel team engaged in the prevention, identification, and treatment of domestic violence may disclose to and exchange with one another information and writings that relate to any incident of domestic violence that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of domestic violence. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential, and testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding unless required by law.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically or electronically if there is adequate verification of the identity of the domestic violence multidisciplinary personnel who are involved in that disclosure or

exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the domestic violence multidisciplinary personnel team and those qualified to receive information as set forth in subdivision (d).

(d) The domestic violence multidisciplinary personnel team may designate persons qualified pursuant to subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (g).

(e) (1) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the domestic violence multidisciplinary team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the domestic violence multidisciplinary team.

(2) Members of the team that have confidential information obtained from an individual shall not disclose that information to and with one another unless the member has obtained that individual's informed, written, reasonably time-limited consent to the disclosure, in accordance with all applicable state and federal confidentiality laws, or it is otherwise required by other state or federal law or by court order. Before that consent is obtained, a member of the team is required to inform the individual that the information may be shared with law enforcement professionals or other entities without that individual's consent if required by law.

(3) A disclosure of information consented to by an individual shall not be deemed a waiver of any privilege or confidentiality provision, including those contained in Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code and in Chapter 4 of Division 8 of the Evidence Code.

(f) Every member of the domestic violence multidisciplinary personnel team who receives information or records regarding children or families in his or her capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by providers and agencies, as well as information and records created in the course of a domestic violence investigation, shall be deemed private and confidential and shall be protected from discovery and disclosure by applicable statutory and common law protections, except where disclosure is required by law. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.

13753. (a) Notwithstanding any other law, a city, county, city and county, or community-based nonprofit organization may establish a human trafficking multidisciplinary personnel team consisting of two or more persons who are trained in the prevention, identification, management, or treatment of human trafficking cases and who are qualified to provide a broad range of services related to human trafficking.

(b) A human trafficking multidisciplinary team may include, but need not be limited to, any of the following:

(1) Law enforcement personnel.

(2) Medical personnel.

(3) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.

(4) District attorneys and city attorneys.

(5) Victim-witness program personnel.

(6) Sexual assault counselors, as defined in Section 1035.2 of the Evidence Code.

(7) Domestic violence counselors, as defined in Section 1037.1 of the Evidence Code.

(8) Social service agency staff members.

(9) Child welfare agency social workers.

(10) County health department staff.

(11) City or county welfare and public assistance workers.

(12) Nonprofit agency counseling professionals.

(13) Civil legal service providers.

(14) Human trafficking caseworkers, as defined in Section 1038.2 of the Evidence Code.

(c) (1) Notwithstanding any other law, following a report of suspected human trafficking, members of a human trafficking multidisciplinary personnel team engaged in the prevention, identification, and treatment of human trafficking may disclose to and exchange with one another information and writings that relate to any incident of human trafficking that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of human trafficking. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential, and testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding unless required by law.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically or electronically if there is adequate verification of the identity of the human trafficking multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the human trafficking multidisciplinary personnel team and those qualified to receive information as set forth in subdivision (d).

(d) The human trafficking multidisciplinary personnel team may designate persons qualified pursuant to subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (g).

(e) (1) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the human trafficking multidisciplinary team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the human trafficking multidisciplinary team.

(2) Members of the team that have confidential information obtained from an individual shall not disclose that information to and with one another unless the member has obtained that individual's informed, written, reasonably time-limited consent to the disclosure, in accordance with all applicable state and federal confidentiality laws, or it is otherwise required by other state or federal law or by court order. Before such consent is obtained, a member of the team is required to inform the individual that the information may be shared with law enforcement professionals or other entities without that individual's consent if required by law.

(3) A disclosure of information consented to by an individual shall not be deemed a waiver of any privilege or confidentiality provision, including those contained in Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code and in Chapter 4 of Division 8 of the Evidence Code.

(f) Every member of the human trafficking multidisciplinary personnel team who receives information or records regarding children or families in his or her capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by providers and agencies, as well as information and records created in the course of a domestic violence investigation, shall be deemed private and confidential and shall be protected from discovery and disclosure by applicable statutory and common law protections, except where disclosure is required by law. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.

SEC. 4. 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.