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AB-1906 California Law Revision Commission: persons with disabilities: terminology. (2023-2024)

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Assembly Bill No. 1906

CHAPTER 233

An act to add Section 8290.7 to the Government Code, relating to persons with disabilities.

[Approved by Governor September 14, 2024. Filed with Secretary of State September 14, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1906, Gipson. California Law Revision Commission: persons with disabilities: terminology.

Existing law establishes the California Law Revision Commission to, among other things, examine the law for defects or anachronisms and recommend changes to modify or eliminate antiquated or inequitable rules of law. Existing law requires the commission to study any topic that the Legislature, by concurrent resolution or statute, refers to the commission. Existing law establishes the Committee on Revision of the Penal Code, within the commission, to study and make recommendations related to the Penal Code to achieve various objectives, including simplifying criminal law and procedure.

Existing law variously defines the terms "dependent adult" and "dependent person," including to refer to a person, regardless of whether the person lives independently, who is between the ages of 18 and 64 and has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, as specified. Existing law uses those terms in various provisions related to, among other topics, prohibitions on, prescribes penalties for, mandated reporting of, and settlements, protective orders, and law enforcement training related to, the commission of specified offenses committed against those persons.

Existing federal law requires the Governor to designate a private nonprofit corporation in this state for the protection and advocacy of persons with disabilities, as specified. Existing state law refers to this entity as "the protection and advocacy agency."

This bill would require the California Law Revision Commission, with input from stakeholders, including the protection and advocacy agency, to complete and submit to the Legislature a study on how to remove the terms "dependent adult" and "dependent person" from existing code sections, including those that use the term "dependent" in conjunction with the term "elder," as specified. The bill would require the commission, as part of the study, to convene a working group that includes the protection and advocacy agency, the State Department of Social Services, persons described by those terms, and groups representing those persons. The bill would require the study to include recommendations on how to replace the terms "dependent adult" and "dependent person" with new terminology that would respectfully describe those persons and would preserve the legal rights and protections of those and other persons, as specified.

The bill would make related findings and declarations.

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

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

SECTION 1. Section 8290.7 is added to the Government Code, to read:

8290.7. (a) The Legislature finds and declares all of the following:

(1) The terms “dependent adult” and “dependent person” are misleading because many of the people with disabilities that those terms cover live independently. These terms can mislead law enforcement officers, social workers, and even crime victims and their families to think that many people with disabilities are excluded from the law's protections.

(2) The term “dependent” demeans and insults people with disabilities who may need special support and services, but may also have the desire and ability to live independently.

(3) It is a priority of this state to ensure that the language used to draft California laws, including the drafting guidelines for legislation, appropriately recognizes and represents people with disabilities.

(b) It is the intent of the Legislature in enacting this act that the terms “dependent adult” and “dependent person” be replaced in code with updated terminology that describes these adults in a respectful way; and that the change in terminology is undertaken in a consistent and comprehensive manner that does not substantively alter existing law.

(c) (1) The commission shall, with input from stakeholders, including, but not limited to, the state protection and advocacy agency designated pursuant to Division 4.7 (commencing with Section 4900) of the Welfare and Institutions Code, complete and submit to the Legislature a study on how to remove the terms “dependent adult” and “dependent person” from California code sections, including, but not limited to, code sections that use the term “dependent” in conjunction with the term “elder” to describe the physical or financial abuse of persons who are elders or persons with a disability, including, but not limited to, the Penal Code, Welfare and Institutions Code, and Civil Code.

(2) As part of the study, the commission shall convene a working group that includes, but is not limited to, all of the following:

(A) The state protection and advocacy agency.

(B) The State Department of Social Services.

(C) Groups representing persons who are described by the current definitions of “dependent adults” and “dependent persons.”

(D) Persons who are described by the current definitions of “dependent adults” or “dependent persons.”

(3) The study shall identify all existing California code sections regarding persons who meet the definition of “dependent adult” and “dependent person” that should be amended in accordance with this subdivision.

(4) The study shall include recommendations on how to revise existing California code sections in order to remove “dependent adult” and “dependent person” and replace those terms with new terminology in a manner that would describe these adults in a respectful way and that would preserve the legal rights and protections of both of the following groups of persons in a comprehensive and consistent manner:

(A) Persons who meet the definition of “dependent adult” and “dependent person” as currently recognized in statute, regulation, and case law.

(B) Persons who do not meet the definition of “dependent adult” and “dependent person” but are described in conjunction with such persons, including elders who are protected by laws governing “elder and dependent adult abuse.”

(d) (1) The requirement for submitting the study imposed under subdivision (c) is inoperative on January 1, 2029, pursuant to Section 10231.5 of the Government Code.

(2) The study to be submitted pursuant to subdivision (c) shall be submitted in compliance with Section 9795 of the Government Code.