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**AB-2822 Domestic violence.** (2023-2024)

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**Assembly Bill No. 2822**

**CHAPTER 536**

An act to amend Section 13730 of the Penal Code, relating to domestic violence.

[ Approved by Governor September 24, 2024. Filed with Secretary of State September 24, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2822, Gabriel. Domestic violence.

Existing law requires every law enforcement agency to develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls. Existing law requires each law enforcement agency to develop an incident report form that includes, among other things, a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon.

This bill would additionally require a law enforcement agency to include in the incident report form a space for officers to document whether a firearm or deadly weapon was removed from the location of the domestic violence call. By increasing the reporting duties on local law enforcement agencies, this bill would create 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Section 13730 of the Penal Code is amended to read:

**13730.** (a) Each law enforcement agency shall develop a system, by January 1, 1986, for recording all domestic violence-related calls for assistance that are made to the department, including whether weapons are involved and whether the incident involved strangulation or suffocation. All domestic violence-related calls for assistance shall be supported with a written incident report, as described in subdivision (c), identifying the domestic violence incident. Monthly, the total number of domestic violence calls received and the numbers of those cases involving weapons or strangulation or suffocation shall be compiled by each law enforcement agency and submitted to the Attorney General.

(b) The Attorney General shall report annually to the Governor, the Legislature, and the public the total number of domestic violence-related calls that are received by California law enforcement agencies, the number of cases involving weapons, the number of cases involving strangulation or suffocation, and a breakdown of calls received by agency, city, and county.

(c) Each law enforcement agency shall develop an incident report form that includes a domestic violence identification code by January 1, 1986. In all incidents of domestic violence, a report shall be written and shall be identified on the face of the report as a domestic violence incident. The report shall include at least all of the following:

(1) A notation of whether the officer or officers who responded to the domestic violence call observed signs that the alleged abuser was under the influence of alcohol or a controlled substance.

(2) A notation of whether the officer or officers who responded to the domestic violence call determined if a law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.

(3) A notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. A firearm or other deadly weapon discovered by an officer at the scene of a domestic violence incident shall be subject to confiscation pursuant to Division 4 (commencing with Section 18250) of Title 2 of Part 6.

(4) A notation of whether there were indications that the incident involved strangulation or suffocation. This includes whether a witness or victim reported an incident of strangulation or suffocation, whether a victim reported symptoms of strangulation or suffocation, or whether the officer observed signs of strangulation or suffocation.

(5) A notation of whether the officer or officers who responded to the domestic violence call removed a firearm or other deadly weapon from the location of the domestic violence call.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.