



DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

December 13, 1995

ALL-COUNTY INFO. NOTICE NO. I-59-95

TO: ALL-COUNTY WELFARE DIRECTORS

SUBJECT: SB 1161: OFFENSES AGAINST THE ELDERLY AND DEPENDENT
ADULTS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

This All-County Information Notice identifies the policies and procedures to be followed for the implementation of SB 1161, (Leslie). This bill amends Section 288 of the Penal Code, relating to crimes against the elderly and dependent adults.

Existing law provides that a person who commits a specified lewd or lascivious act upon a child under the age of 14 years, with a specified sexual intent, by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for 3, 6, or 8 years. Existing law further provides that if the act is committed with a specified sexual intent and the victim is a child of 14 or 15 years of age, and the defendant is at least 10 years older than the victim, the defendant is guilty of a public offense and shall be punished by imprisonment in the state prison for one, 2, or 3 years, or by imprisonment in a county jail for not more than one year.

This bill would make these provisions applicable to a caretaker who commits a sexual act upon a dependent adult. "Caretaker" includes any owners, operators, administrators, employees, agents, independent contractors, and volunteers working at specified facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by this provision.

Because this bill would create a new crime, it 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,

Please contact Robert A. Barton, Chief, Adult Services management Branch at (916) 229-4583 if you have any questions regarding this matter.

Robert A. Barton for

CAROL R. WIDEMON
Deputy Director
Adult Services Division