

VICTIMS OF CRIME RESOURCE CENTER

Statutory Index

November 2013

All Codes refer to California Statutes unless otherwise noted

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Topic	Code
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• DA’s Discretion to Divert or Prosecute	• Pen. Code §§ 1001.6, et seq.
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• Criminal: Proof Beyond a Reasonable Doubt	• Pen. Code § 1096
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CHILD ABUSE AND NEGLECT	
Admissibility of Defendant’s Prior Sexual Offenses	Evid. Code § 1108
Prior Sexual Assault of a child	
Aggravated Sexual Assault, Violation, Penalty	Pen. Code § 269
Child Molester Identification Line	Pen. Code § 290.4
Confidentiality and Disclosure of Victim’s Reports	Pen. Code § 11167.5

Topic	Code
Definitions: <ul style="list-style-type: none"> • Abuse and Neglect • Corporal Punishment and Disclosure • Sexual Abuse: Lewd and Lascivious Acts • Statutory Rape • Willful Harm or Injury 	<ul style="list-style-type: none"> • Pen. Code §§ 11165.6, et seq.; Welf. & Inst. Code § 300, et seq. • Pen. Code § 273D • Pen. Code § 288 • Pen. Code § 261.5 • Pen. Code § 273A
Exploitation	Pen. Code § 311.3
Interview with Suspected Child Abuse Victim at School	Pen. Code § 11174.3
Neglect	Pen. Code § 270
Punishment for Sexual Abuse	Pen. Code § 647.6
Registration of Sex Offenders	Pen. Code § 290(c)
Reporting (Reporting Act) <ul style="list-style-type: none"> • Confidentiality of Identity of Non-Mandated Reporters • Duty of Mandated Reporter to Report to Agency Forms • Health Practitioners Duty to Report Abusive/Assaultive Injuries to Police • Immunity From Liability: Mandated Reporters • Medical Forensics Reporting Forms • Report Requirements • X-Rays of Suspected Victim Without Parental Consent 	<ul style="list-style-type: none"> • Pen. Code § 11164 • Pen. Code § 11167.5 • Pen. Code § 11166, et seq. • Pen. Code § 11161.9; Welf. & Inst. Code § 15634 • Pen. Code § 11171 • Pen. Code § 11167 • Pen. Code § 11171.2, et seq.
Sexual Abuse Civil Damages	Code Civ. Proc. §340.1
CHILD CUSTODY	
<ul style="list-style-type: none"> • Definitions Regarding Custody/Abduction 	<ul style="list-style-type: none"> • Cal. Pen. Code § 277, et seq.
<ul style="list-style-type: none"> • Exception: Person with Right of Custody Conceals Because of Belief of Bodily Injury 	<ul style="list-style-type: none"> • Cal. Pen. Code § 278.7
Temporary Custody of Child (Ex Parte) <ul style="list-style-type: none"> • Child Abuse or Neglect • Domestic Violence 	Cal. Fam. Code § 6323 Cal. Fam. Code § 3011(e)(1) Cal. Fam. Code § 6211
CIVIL CODE	
<ul style="list-style-type: none"> • Any person subjected to gender violence may bring civil action for damages against any responsible party • Victims of human trafficking may bring action for damages, injunctive relief and attorney's fees; victim can be awarded treble damages up to \$10,000; 5 year statute of limitations to bring suit, can be tolled for certain circumstances • A person is liable for tort of DV if plaintiff proves defendant inflicted injury resulting from abuse • Definition of "personally identifying information" and "victim provider" 	<ul style="list-style-type: none"> • Civil Code §52.4 • Civil Code §52.5 • Civil Code §1708.6 • Civil Code §1798.79.8

Topic	Code
<ul style="list-style-type: none"> • Victim service providers prohibited from being required to reveal personally identifying information of clients • Injunctive relief • Contract deducting from wages cost of emigration and transportation to US void as against public policy • Prohibits landlord from terminating or failing to renew tenancy based on DV, sexual assault, or stalking; requires landlord to change locks, tenant's right to change locks without permission • Same as above but applies when restrained party is tenant of same unit as protected tenant • Tenant who is victim of DV, sexual assault, or stalking may terminate tenancy after proper notice to landlord; return of security deposit; notice to terminate tenancy must be given within 180 days of date of protective order; protective orders and elder abuse protective orders included in the list of accepted documentation for which a tenant may terminate tenancy 	<ul style="list-style-type: none"> • Civil Code §1798.79.9 • Civil Code §1798.79.95 • Civil Code §1670.7 • Civil Code §1941.5 • Civil Code §1941.6 • Civil Code §1946.7
CIVIL STRATEGIES FOR CRIME VICTIMS	
Attorney's Fees in Actions for Damages	Code Civ. Proc. § 1021.4
Exemplary Damages in Homicide Conviction	Civ. Code § 3294(d)
<u>Right to Sue an Abuser in a Civil Suit</u>	
Service of Process on Inmate	Pen. Code § 4013
COMENSATION	See: VICTIMS COMPENSATION PROGRAM
CONTEMPT	
Conduct Constituting Contempt	Pen. Code § 166
Refusal to Testify	Code Civ. Proc. §§ 128(a), 1219(a)
<ul style="list-style-type: none"> • Exception of Domestic Violence Victims • Exception of Sexual Assault Victims 	Code Civ. Proc. § 1219(b) Code Civ. Proc. § 128(d), 1219(b)
CODE OF CIVIL PROCEDURE	
<u>Incidental Powers and Duties of Courts</u>	
Powers of court; contempt when victim of DV refuses to testify; execution of sentence	Code Civ. Proc. §128(e)
<u>Miscellaneous Provisions Respecting Courts of Justice</u>	
<ul style="list-style-type: none"> • Authorizes court to issue unofficial translation of DV restraining orders; Judicial Council to make available in other languages specific forms relating to domestic violence protective orders • Bars civil actions against defendants convicted of murder or attempted murder who are paroled because of showing to Board of Prison Terms that defendant was victim of intimate partner battering 	<ul style="list-style-type: none"> • Code Civ. Proc. §185 • Code Civ. Proc. §340.3

Topic	Code
<p><u>Of the Time of Commencing Civil Actions</u> Action for damages suffered as result of DV: within 3 years or within 3 years of date one reasonably should have discovered that an injury or illness resulted</p>	<p>Code Civ. Proc. §340.15</p>
<p><u>Other Provisional Remedies in Civil Actions</u></p> <ul style="list-style-type: none"> • Harassment; temporary restraining order and injunction; procedure, including time until hearing, reissuance, duration of orders after hearing, transmission to law enforcement/CLETS; minors as parties; forms; firearms; DV; support person; service fees, costs and attorney fees; punishment; court may issue injunction protecting other named family or household members who reside with harassed person. Early termination of protective order requires notice to protected party • Court must deny or continue the hearing to modify or terminate action if notice requirement not met • Court can authorize another method of service that is reasonably designed to afford actual notice to protected party 	<ul style="list-style-type: none"> • Code Civ. Proc. §527.6 • Code Civ. Proc. §527.8 • Code Civ. Proc. §527.85
<p><u>Employer Restraining Orders</u></p> <ul style="list-style-type: none"> • Employer may seek TRO and injunction on behalf of employee who suffered violence or threat of violence at workplace • Chief administrator or employee of postsecondary educational institution may seek TRO on behalf of student, volunteers, employees re entire campus • Persons subject to Protective Orders and Emergency Protective Orders must relinquish firearms within 24 hours • Persons subject to Protective Orders and Emergency Protective Orders may not obtain address or location of protected party; includes location of persons protected by workplace violence protection orders 	<ul style="list-style-type: none"> • Code Civ. Proc. §527.8 • Code Civ. Proc. §527.85 • Code Civ. Proc. §527.9 • Code Civ. Proc. §527.10
<p><u>Tenancy</u></p> <ul style="list-style-type: none"> • Presumption that batterer has committed nuisance on premises, allowing batterer to be evicted • DV, sexual assault, or stalking cannot be cause to terminate or fail to renew residential tenancies; affirmative defense to unlawful detainer; law can be used while forms are changed 	<ul style="list-style-type: none"> • Code Civ. Proc. §1161 • Code Civ. Proc. §1161.3
<p><u>Contempt</u></p>	

Topic	Code
District Attorneys may initiate contempt action against party failing to comply with court order under Domestic Violence Protection Act Imprisonment to compel performance of acts; exemption of sexual assault and DV victims who refuse to testify. Court has authority to refer DV victim who refuses to testify to DV counselor before finding victim in contempt; communications between victim and counselor confidential under §1037.2 Evidence Code	<ul style="list-style-type: none"> • Code Civ. Proc. §1218 • Code Civ. Proc. §1219
CRIMES	
Arson	Code Civ. Proc. §§ 450, 451
Assault <ul style="list-style-type: none"> • Against Emergency Personnel • With Caustic Chemicals • With a Deadly Weapon • With Intent to Commit Mayhem/Sex Offense • Crimes Against the Incapacitated • Resulting in the Death of a Child Under 8 • Punishment 	Pen. Code §§ 240 et seq. <ul style="list-style-type: none"> • Pen. Code §§ 8236.1, 241 • Pen. Code § 244 • Pen. Code § 245 • Pen. Code § 220 • Pen. Code § 1203.09 • Pen. Code § 273A(b) • Pen. Code § 241
Battery <ul style="list-style-type: none"> • Right to Use Force • By Public Officer 	Pen. Code § 243, et seq. <ul style="list-style-type: none"> • Pen. Code § 242, et seq. • Pen. Code § 149
Burglary <ul style="list-style-type: none"> • Possession of Tools • Against Victims 60 years old or Disabled 	Pen. Code § 459, et seq. <ul style="list-style-type: none"> • Pen. Code § 466 • Pen. Code § 1203.09
Carjacking <ul style="list-style-type: none"> • Kidnap During Carjacking • Against Victims 60 years old or disabled-incapacitated 	Pen. Code § 215 <ul style="list-style-type: none"> • Pen. Code § 209.5 • Pen. Code § 1203.09
Child Neglect & Abuse	See: CHILD ABUSE AND NEGLECT
Criminal Threats to Victim or Victim's Immediate Family	Cal. Const. Art. 1, § 28; Pen. Code § 422
Disorderly Conduct	Pen. Code § 647
Driving While Intoxicated	Veh. Code §§ 23152, 23153
Punishment	Veh. Code §§ 23536-23552
Elder Abuse <ul style="list-style-type: none"> • Embezzlement, Fraud, Forgery by Caretaker • Abandonment • Abduction • Sexual Abuse by Caretaker • Enhancement for Crimes Against Elders 70 Years of Age or Older 	Welf. & Inst. Code § 15610.07 <ul style="list-style-type: none"> • Pen. Code § 368(d) • Welf. & Inst. Code § 15610.05 • Welf. & Inst. Code § 15610.06 • Pen. Code §§ 288(b)(2)-(c)(2) • Pen. Code §§ 368, 12022.7©

Topic	Code
Embezzlement • Punishment	Pen. Code § 503 • Pen. Code § 514
Grant Theft: Defined • Punishment	Pen. Code § 487 • Pen. Code § 489
Hate Crimes • Defined • Punishment • Life Imprisonment without Parole/Mitigation or Aggregated Circumstances	Pen. Code § 422.6 • Pen. Code § 422.55 • Pen. Code §§ 422.7-422.75 • Pen. Code § 190.03
Hit and Run • Duty to Stop • Duty Upon Injury or Death • Duty When Property Damaged	• Veh. Code § 20001 • Veh. Code § 20003 • Veh. Code § 20002
Kidnapping • Defined • During Carjacking • Under 14 years old • Punishment when Victim Under 14 years old	• Pen. Code § 207 • Pen. Code § 209.5 • Pen. Code § 667.85 • Pen. Code § 208
Looting	Pen. Code § 463
Manslaughter • Manslaughter (Voluntary; Involuntary) • Vehicular/Operating a Vessel • Gross Vehicular While Intoxicated	• Pen. Code § 192 • Pen. Code § 192.5 • Pen. Code § 191.5
Mayhem • Defined • Punishment • Aggravated	• Pen. Code § 203 • Pen. Code § 204 • Pen. Code § 205
Murder • Death or Life Imprisonment Factors • Defined • Degrees of • LWOP if Victim Killed because of Disability, Gender, or Sexual Orientation • Malice, Defined (Express or Implied) • Punishment • Felony, Injury to Pregnant Woman • Murder 60 years or older/disabled • Special Circumstances Penalties	• Pen. Code § 190.3 • Pen. Code § 187 • Pen. Code § 189 • Pen. Code § 190.03 • Pen. Code § 188 • Pen. Code § 190 • Pen. Code § 12022.9 • Pen. Code § 1203.09 • Pen. Code § 190.2; Pen. Code § 190.25

Topic	Code
Petty Theft <ul style="list-style-type: none"> • Defined • Punishment 	<ul style="list-style-type: none"> • Pen. Code §§ 484, 488 • Pen. Code § 490
Poisoning or Adulterating Food, Drink, Medicine	Pen. Code § 347
Robbery <ul style="list-style-type: none"> • Degrees & Carjacking • Punishment 	<ul style="list-style-type: none"> • Pen. Code § 211 • Pen. Code §§ 212.5, 215 • Pen. Code § 213
Sex Crimes <ul style="list-style-type: none"> • Battery 	<ul style="list-style-type: none"> • Pen. Code § 243.4 • Pen. Code § 261.6
Spousal Abuse	Pen. Code § 273.5
Stalking	Pen. Code § 646.9
Telephone Crimes <ul style="list-style-type: none"> • Lewd Messages to Minors • Obscene, Threatening, Annoying Calls • Unauthorized Wiretaps 	<ul style="list-style-type: none"> • Pen. Code § 288.2 • Pen. Code § 653m • Pen. Code § 631
Theft: <ul style="list-style-type: none"> • Defined • Degrees: First (Grand Theft); Second (Petty Theft) • Theft and Injury to Vehicle 	<ul style="list-style-type: none"> • Pen. Code § 484 • Pen. Code § 486 • Veh. Code § 10851
Torture (Definition)	Pen. Code § 206
Vandalism (Penalty)	Pen. Code § 594
Witness Tampering (Intimidation)	Pen. Code § 136.1
DEFENSES (Criminal)	
Consent Definition for Sex Assault Crimes	Pen. Code § 261.6
Mentally Incompetent <ul style="list-style-type: none"> • Mental Inquiry Prior to Judgment; Procedure • Recovery of Competence • Verdict as to Mental Competence; Subsequent Proceedings 	<ul style="list-style-type: none"> • Pen. Code § 1367 • Pen. Code §§ 1368, et. seq. • Pen. Code §§ 1370.01, 1372 • Pen. Code § 1370
Effect of Voluntary Intoxication on Forming Criminal Intent	Pen. Code § 22
Manslaughter	Pen. Code § 192
Self-Defense	Pen. Code §§ 692-694
DOMESTIC VIOLENCE	
Abuse (Definition)	Fam. Code § 6203; Pen. Code § 13700(a)
Affinity (Definition)	Fam. Code § 6205
<ul style="list-style-type: none"> • Intimate Partner Battering: Evidence Considered for Parole/Commutation • Statute of Limitations- Civil 	<ul style="list-style-type: none"> • Pen. Code § 4801 • Code of Civ. Pro. § 340.3
Cohabitation (Definition)	Fam. Code § 6209

Topic	Code
Conditions for Probations	Pen. Code § 1203.097
Definition of Domestic Violence	Fam. Code § 6211; Pen. Code § 13700(b)
Malicious Disclosure of Trafficking or Domestic Violence Shelter	Pen. Code § 273.7
Misdemeanor Diversion Procedures <ul style="list-style-type: none"> • Proceedings in Narcotics & Drug Abuse Cases • Legislative Intent • Qualifications for Diversion 	<ul style="list-style-type: none"> • Pen. Code § 1001, et. seq. • Pen. Code § 1000, et. seq. • Pen. Code § 1001 • Pen. Code § 1203.097
Double Jeopardy	Pen. Code § 687
Emergency Protective Orders <ul style="list-style-type: none"> • Availability • Contents • Duty of Law Enforcement • Grounds for Issuance • Inclusion of Other Specific Orders • Required Findings 	<ul style="list-style-type: none"> • Fam. Code § 6254 • Fam. Code § 6253 • Fam. Code §§ 6270-6275 • Fam. Code § 6256 • Fam. Code § 6250 • Fam. Code § 6252 • Fam. Code § 6251
Evidence <ul style="list-style-type: none"> • Prior Domestic Violence Admissible in Criminal DV Case to Include Physical Child or Elder Abuse 	<ul style="list-style-type: none"> • Evid. Code §1109
Health Practitioners Duty to Report; Method of Reporting	Pen. Code § 11160
Incident Reports, Victim's Right to	Fam. Code Code § 6228
Interagency Domestic Violence Death Review- Procedures and Confidentiality	Pen. Code § 11163.3
Notice of Batterer's Release	Pen. Code § 646.92
Convicted Felon Peace Officers: Retention of Firearms	Pen. Code § 12021(c)(2)
Protective Orders	See: Protective Orders/ Domestic Violence
Probation Conditions	Pen. Code § 1203.097
Protective Order Registry	Fam. Code § 6380
Refusal to Testify; Contempt	Code of Civ Pro § 128(e)
Temporary Custody of Firearms From Scene & Filing an Incident Report	Pen. Code § 13730
Police Response: Written Procedures Available to Public	Pen. Code § 13701
Spousal/Cohabitant Abuse	Pen. Code § 273.5
Statute of Limitations for Civil Action	Code of Civ Pro § 340.15
Support Person at Prelim. & Trial	Pen. Code § 868.5
Threats	Pen. Code § 422
Violation not in the Presence of Police Officer: Arrest	Pen. Code § 836(c)(1)
Prohibition of Discharge, Discrimination or Retaliation Against Employee Seeking Relief in DV Case	Labor Code § 230(c)
DRIVING UNDER THE INFLUENCE	

Topic	Code
Blood Alcohol Limit <ul style="list-style-type: none"> • Adult • Commercial Vehicle • Under 21 Years of Age • License Suspension for BAL 0.08 or More • Under 21 with BAL 0.08 or More 	<ul style="list-style-type: none"> • Veh. Code § 23152(b) • Veh. Code § 23152(d) • Veh. Code § 23140 • Veh. Code § 13353.2(a)(1) • Veh. Code § 13353.2(a)(2)
Fines/Enforcement	Veh. Code § 23601
Generally <ul style="list-style-type: none"> • Causing Injury • Punishment • Riding Bicycle • With a Minor in Car • With a Suspended or Revoked License • Without a Commercial Drivers License • Vehicular Manslaughter While Intoxicated 	<ul style="list-style-type: none"> • Veh. Code § 23152, et seq. • Veh. Code § 23153 • Veh. Code § 23500-23597 • Veh. Code § 21200.5 • Veh. Code § 23572 • Veh. Code § 14601.2 • Veh. Code § 13353.2(a)(3) • Pen. Code § 191.5
Impoundment of Vehicle if Convicted	Veh. Code § 23594
Court Imposed Sale of Vehicle	Veh. Code § 23596
EDUCATION CODE	
<u>Definition of Gender</u> <ul style="list-style-type: none"> • In public schools, gender identity and gender expression are protected categories against discrimination • Definition of “gender” and “gender expression” • Legislative intent and policies of the state • Parameters for charter schools 	<ul style="list-style-type: none"> • Edu. Code §200 • Edu. Code §210.7 • Edu. Code §32228 • Edu. Code §47605.6
<u>Safe Place to Learn Act</u> <ul style="list-style-type: none"> • Local educational agencies required to adopt policies to prohibit discrimination, 	<ul style="list-style-type: none"> • Edu. Code § 234
<u>Donahoe Higher Education Act</u> <ul style="list-style-type: none"> • Students who are victims of trafficking, domestic violence, and other serious crimes are exempt from paying nonresident tuition at the California State University and the California Community Colleges, and are eligible to apply for all student financial aid programs and scholarships • Voter information registration confidential for participant in Address Confidentiality for Victims of DV, Sexual Assault, and Stalking program 	<ul style="list-style-type: none"> • Edu. Code §68122 • Edu. Code §2166.5
ELDER ABUSE	
Needs and Problems of the Elderly	Welf. & Inst. Code § 15600
Penalties for Abuse of the Elderly	Welf. & Inst. Code § 15656
Prevention of Elder Abuse and Use of Victim Services (Legislative Intent)	Pen. Code § 13823.2

Topic	Code
Reporting <ul style="list-style-type: none"> • Confidentiality of Report; Disclosure Penalties • Immunity From Liability for Reporting • Mandated Reporters • Non-Mandated Reporters <ul style="list-style-type: none"> • Reporter Confidentiality 	<ul style="list-style-type: none"> • Welf. & Inst. Code § 15633 • Welf. & Inst. Code § 15634 • Welf. & Inst. Code § 15630 • Welf. & Inst. Code § 15631 • Welf. & Inst. Code § 15633.5(b)
Sentence Enhancements: <ul style="list-style-type: none"> • Crimes Against Persons Over 65 • Embezzlement • Extortion • Felony Larceny (Theft) • Repeat Offenders • Speedy Trial for Persons 70 and Over, Minors or Dependent Adults 	<ul style="list-style-type: none"> • Pen. Code §§ 667.9-667.10 • Pen. Code §§ 503, 515 • Pen. Code §§ 518, 525 • Pen. Code § 502.9 • Pen. Code § 667.6 • Pen. Code § 1048(b)
EVIDENCE CODE	
Domestic Violence Victim-Counselor Privilege	
"Victim"	Evid. Code §1037
DV Counselor; qualifications; definition of DV service organization; definition of "undisclosed"	Evid. Code §1037.1
Confidential communication: any information including but not limited to, written or oral communication; compulsion of disclosure by court; claim of privilege	Evid. Code §1037.2
Child abuse; reporting	Evid. Code §1037.3
"Holder of the privilege"; includes guardian or conservator unless guardian or conservator is accused of perpetrating DV against victim	Evid. Code §1037.4
Privilege or refusal to disclose communication; claimants specified in § 901	Evid. Code §1037.5
Claim of privilege by counselor	Evid. Code §1037.6
"Domestic violence"	Evid. Code §1037.7
Informing DV victims of limitations of confidentiality; information may be given orally	Evid. Code §1037.8
Human trafficking victim-caseworker privilege; human trafficking victim may refuse to disclose confidential communications between victim and human trafficking caseworker	Evid. Code §1038
FAMILY CODE	
General Provisions	
Ex Parte Temporary Restraining Orders	
<ul style="list-style-type: none"> • Notice for post-judgment modification request can be served by mail 	<ul style="list-style-type: none"> • Fam. Code §215

Topic	Code
<ul style="list-style-type: none"> • Family courts required to receive live testimony at family law hearing unless good cause or stipulation • Application of part • Issuance of temporary restraining order by judge of municipal court • Granting temporary order without notice • Orders must be heard within 21 days or 25 days with good cause • Readiness for hearing; service time on respondent 5 days prior to hearing if TRO issued without notice; if issued with notice, service time 15 days • Precedence for hearing and trial • Reissuance of restraining order • Time limits on issuance or denial of restraining order • Distribution of forms and LGBT specific DV brochure to same sex registrants, fees for filing domestic partnership, use of fees, requirements for filing as domestic partner • Filing Declaration of Domestic Partnership with Secretary of State 	<ul style="list-style-type: none"> • Fam. Code §217 • Fam. Code §240 • Fam. Code §240.5 • Fam. Code §241 • Fam. Code §242 • Fam. Code §243 • Fam. Code §244 • Fam. Code §245 • Fam. Code §246 • Fam. Code §298 • Fam. Code §298.5
<p><u>Ex Parte Orders</u></p> <ul style="list-style-type: none"> • TRO, notice, contents, definitions; party seeking TRO shall provide information for court to notify biological parent of child residing in household of party against whom TRO sought • Ex parte protective and restraining orders 	<ul style="list-style-type: none"> • Fam. Code §2040 • Fam. Code §2045
<p><u>Orders After Notice and Hearing and Orders Included in Judgment</u></p> <ul style="list-style-type: none"> • Protective orders issuable after notice and hearing; mutual protective order • Protective orders included in judgment 	<ul style="list-style-type: none"> • Fam. Code §2047 • Fam. Code §2049
<p><u>Uniform Child Custody Jurisdiction and Enforcement Act</u></p> <ul style="list-style-type: none"> • Definitions; includes protection from DV • Jurisdiction • Temporary emergency jurisdiction; includes cases involving DV • Before court declines to exercise jurisdiction and decides that another state is more appropriate forum, must consider if DV has occurred, is likely to continue, which state could best protect parties and child • Court shall not decline to exercise jurisdiction because one parent took child if taking was result of DV • Past addresses of child confidential if unknown to alleged perpetrator of DV 	<ul style="list-style-type: none"> • Fam. Code §3402 • Fam. Code §3421 • Fam. Code §3424 • Fam. Code §3427 • Fam. Code §3428 • Fam. Code §3429
<p><u>Spousal Support</u></p>	

Topic	Code
<ul style="list-style-type: none"> • Considerations in ordering spousal support; evidence of DV resulting in emotional distress, criminal conviction of abusive spouse shall be considered in reducing or eliminating support; court must consider when spouse convicted of violent sexual felony against other spouse, injured spouse not required to pay convicted spouse's attorney's fees; injured spouse entitled to all community property interest in retirement and pension benefits • No spousal support when supported spouse convicted of attempted murder of other spouse • At request of injured spouse, court may define date of legal separation as date of incident giving rise to conviction, or earlier if court finds justification, for community property purposes • Criminal conviction for DV within 5 years prior to filing of dissolution, or anytime after: rebuttable presumption that spousal support should not be ordered; court may consider convicted spouse's history as DV victim in rebutting presumption 	<ul style="list-style-type: none"> • Fam. Code §4320 • Fam. Code §4324 •Fam. Code §4324.5 •Fam. Code §4325
DOMESTIC VIOLENCE PREVENTION ACT	
<p><u>Title and Definitions</u></p> <ul style="list-style-type: none"> • Domestic Violence Prevention Act • Application of definitions • "Abuse" • "Affinity" • "Cohabitant" • "Dating Relationship" • "Domestic Violence" • "Emergency Protective Order" • "Protective Order" • Courts in San Diego and Santa Clara Counties, and other courts if able and willing, may develop demonstration project to identify best practices in civil, juvenile and criminal court cases involving DV 	<ul style="list-style-type: none"> • Fam. Code §6200 • Fam. Code §6201 • Fam. Code §6203 • Fam. Code §6205 • Fam. Code §6209 • Fam. Code §6210 • Fam. Code §6211 • Fam. Code §6215 • Fam. Code §6218 • Fam. Code §6219
<p><u>General Provisions</u></p> <ul style="list-style-type: none"> • Purposes of the Domestic Violence Prevention Act • Applications of division • Fees; no filing fee when application or other pleading seeks to obtain, modify or enforce protective order if necessary to obtain or give effect to another protective order; no fees for filing subpoena • Considerations where custody or visitation order issues pursuant to Domestic Violence Protection Act 	<ul style="list-style-type: none"> • Fam. Code §6220 • Fam. Code §6221 • Fam. Code §6222 • Fam. Code §6223

Topic	Code
<ul style="list-style-type: none"> • Required statements in order • Explicit statement of address not required • Judicial Council forms and instructions • Remedies cumulative • Victim or personal representative of victim of DV may obtain copy of DV incident report; personal representatives include victim’s attorney, guardian, conservator, and immediate family members • Minor under 12 with guardian ad litem may request or oppose request for TRO 	<ul style="list-style-type: none"> • Fam. Code §6224 • Fam. Code §6225 • Fam. Code §6226 • Fam. Code §6227 • Fam. Code §6228 • Fam. Code §6229
<p><u>Emergency Protective Orders</u></p> <ul style="list-style-type: none"> • Definitions • Designation of judicial officer to orally issue ex parte Emergency Protective Orders • Grounds for ex parte Emergency Protective Order • Requirements for judicial officer to issue Emergency Protective Order • Persons able to issue Emergency Protective Orders include community college and school district police • Findings required to issue order • Orders included in Emergency Protective Order • Persons subject to Emergency Protective Orders prohibited from taking any action to obtain address or location of protected party or their family • Contents of order • Availability of Emergency Protective Order • Issuance of ex parte Emergency Protective Order. • Expiration of order • Application for more permanent restraining order • Reducing order to writing and signing order • Service, filing and delivery of order • Means of enforcement; protection of officer from liability • Officer to carry copies of order • Emergency Protective Orders for stalking • Notification of Emergency Protective Orders 	<ul style="list-style-type: none"> • Fam. Code §6240 • Fam. Code §6241 • Fam. Code §6250 • Fam. Code §6250.3 • Fam. Code §6260.5 • Fam. Code §6251 • Fam. Code §6252 • Fam. Code §6252.5 • Fam. Code §6253 • Fam. Code §6254 • Fam. Code §6255 • Fam. Code §6256 • Fam. Code §6257 • Fam. Code §6270 • Fam. Code §6271 • Fam. Code §6272 • Fam. Code §6273 • Fam. Code §6274 • Fam. Code §6275
<p><u>Protective Orders and Other Domestic Violence Prevention Orders</u></p> <ul style="list-style-type: none"> • Issuance of order upon affidavit • Persons who may be granted restraining order: petition not denied because petitioner has vacated household • Notice of Order 	<ul style="list-style-type: none"> • Fam. Code §6300 • Fam. Code §6301 • Fam. Code §6302

Topic	Code
<ul style="list-style-type: none"> • Support persons for victims of domestic violence • Protective orders; court to inform parties of terms of orders • Mutual orders; personal appearance of parties; evidence • Criminal history search; prior restraining orders 	<ul style="list-style-type: none"> • Fam. Code §6303 • Fam. Code §6304 • Fam. Code §6305 • Fam. Code §6306
<p><u>Ex Parte Orders</u></p> <ul style="list-style-type: none"> • Ex parte order enjoining contact; companion animals • Order denying petition for ex parte order; reasons; right to noticed hearing; right to waive hearing • Ex parte order excluding party from dwelling • Order enjoining additional specific behaviors • Order prohibiting disclosure of identifying information • Persons subject to DV Protective Orders prohibited from taking action to obtain address or location of protected party or their family • Ex parte orders regarding temporary custody and visitation of minor children; stipulation of paternity; considerations • Order determining temporary use of property and payment of debts • Restraints on community, quasi-community, and separate property of married persons • Time limits on issuance or denial of ex parte order 	<ul style="list-style-type: none"> • Fam. Code §6320 • Fam. Code §6320.5 • Fam. Code §6321 • Fam. Code §6322 • Fam. Code §6322.5 • Fam. Code §6322.7 • Fam. Code §6323 • Fam. Code §6324 • Fam. Code §6325 • Fam. Code §6326
<p><u>Orders Issuable After Notice and Hearing</u></p> <ul style="list-style-type: none"> • Ex parte orders; survival of custody, visitation, or support order following expiration of protective order • Payment of child support by presumed father • Order for restitution for loss of earnings and out of pocket expenses • Order to participate in batterer's program; resource list • Duration of orders • Custody and visitation orders; notice and hearing 	<ul style="list-style-type: none"> • Fam. Code §6340 • Fam. Code §6341 • Fam. Code §6342 • Fam. Code §6343 • Fam. Code §6345 • Fam. Code §6346
<p><u>Orders Included in Judgment</u></p> <ul style="list-style-type: none"> • Judgments which may include protective orders • Statements on face of order included in judgment 	<ul style="list-style-type: none"> • Fam. Code §6360 • Fam. Code §6361
<p><u>Registration and Enforcement of Orders</u></p> <ul style="list-style-type: none"> • Electronic transmission of data to DOJ; DV Retraining Order System • Enforcement of Order • Availability of information concerning Order • Service of order; verification; verbal notice; report; civil liability • When personal service not required • Notice to Department of Justice 	<ul style="list-style-type: none"> • Fam. Code §6380 • Fam. Code §6381 • Fam. Code §6382 • Fam. Code §6383 • Fam. Code §6384 • Fam. Code §6385

Topic	Code
<ul style="list-style-type: none"> • Appointment of counsel and payments of fees and costs to enforce Order 	<ul style="list-style-type: none"> • Fam. Code §6386
<ul style="list-style-type: none"> • Clerk to provide petitioner with copies of Order • Criminal penalty for violation of Order • Firearm or ammunition ownership, possession, purchase, or receipt; relinquishment order; use immunity; storage fee; order content; exemption; sale; penalty 	<ul style="list-style-type: none"> • Fam. Code §6387 • Fam. Code §6388 • Fam. Code §6389
<u>Freedom from Parental Custody and Control</u>	
<ul style="list-style-type: none"> • Neglected or cruelly treated child • Parent under disability due to alcohol or controlled substance or moral depravity 	<ul style="list-style-type: none"> • Fam. Code §7823 • Fam. Code §7824
<ul style="list-style-type: none"> • Parent convicted of felony, including child conceived via rape (Penal Code 261) 	<ul style="list-style-type: none"> • Fam. Code §7825
<ul style="list-style-type: none"> • Parent declared developmentally disabled or mentally ill • Parent mentally disabled 	<ul style="list-style-type: none"> • Fam. Code §7826 • Fam. Code §7827
FEE WAIVERS	
Domestic Violence Protective Order Registry	Fam. Code § 6380(e)
Filing Fee Waived	Fam. Code § 6222
Filing Fee Waiver Form	Fam. Code § 6380(g)
Family Law Orders: Indigent Plaintiff	Govt Code § 70676
FIREARMS	
Exemption to offense for transportation of firearm	Bus. & Prof. Code § 7574.14
Exemptions for security guards	Bus. & Prof. Code § 7574.14
GANG RELATED	
Active Participation in Criminal Street Gang	Pen. Code § 186.22(a)
Enhanced Penalty: Shooting from a Motor Vehicle	Pen. Code §§ 12022.5(d), 12022.55
Enhancements	Pen. Code §§ 186.22(b)(1)-(5)
Graffiti: <ul style="list-style-type: none"> • Community Service • Felony or Misdemeanor Vandalism • Infraction or Misdemeanors • On or Near Highway or Freeway • Parental Liability • Possession of Aerosol Container by Minor • Prior Convictions • Purchase of Aerosol Container by Minor • Sale of Aerosol Container to Minor 	<ul style="list-style-type: none"> Pen. Code § 640.6(a)(1) Pen. Code § 594 Pen. Code § 640.6(a)(1) Pen. Code §§ 640.7, 640.8 Pen. Code § 640.6(e) Pen. Code § 594.1(e)(1) Pen. Code §§ 640.6(b)-(c) Pen. Code § 594.1(b) Pen. Code § 594.1(a)
Assault with a Deadly Weapon	Pen. Code § 186.22(e)(1)

Topic	Code
Providing Firearms to Gang Members	Pen. Code § 186.28
Required Registration of Persons Convicted of Gang Related Crimes	Pen. Code §§ 186.30, 186.32
Violent Coercion to Participate in Gang Activities	Pen. Code §§ 186.26(c)
GENDER	
Definition of gender includes a person's gender identity and gender expression (Unruh Civil Rights Act)	Civ. Code § 51
GOVERNMENT CODE	
<u>Inspection of Public Records</u>	
<ul style="list-style-type: none"> • Exemption of particular records; victims of human trafficking may request names not become public record • DV counselor and victim, confidentiality of communication exempt from Ca. 	<ul style="list-style-type: none"> • Govt Code §6254 • Govt Code §6276.14
<u>Victims of Crimes</u>	
<ul style="list-style-type: none"> • State Board of Control renamed to California Victims Compensation and Government Claims Board • Restitution & reimbursement for victims of crime • Restitution available for victims, derivative victims & victims' caregivers; definitions • Requirements for application; evidence desired by board • Victim may apply for compensation up to 3 years; county social worker may represent child and elder abuse victims; maximum rates or services; limitations shall not affect payment incurred 3 months after changes • Emergency awards; procedure • Statute of limitations & tolling requirements • Verification & release of information about victim & crime for verification • Elements for restitution & reimbursement; child who witnesses DV may be presumed to sustain physical injury; qualifying non-US residents may be considered derivative victims for restitution & reimbursement • Victims of DV or human trafficking may not have their applications for restitution & reimbursement denied solely because no police report filed or if failed to cooperate with law enforcement • Victim Compensation Claims Board may authorize more than one reimbursement relocation expense for one victim per crime if that reimbursement is necessary for the personal safety or emotional well being of the victim; can be greater than \$2000 due to unusual, dire, or exceptional circumstances 	<ul style="list-style-type: none"> • Govt Code §13900 • Govt Code §13950 • Govt Code §13951 • Govt Code §13592 • Govt Code §13952 • Govt Code §13952.5 • Govt Code §13953 • Govt Code §13954 • Govt Code §13955 • Govt Code §13956 • Govt Code §13957
<ul style="list-style-type: none"> • Board establishes maximum rates and services not subject to rulemaking provision of Administrative Procedure Act • Board can reconsider all or part of its decisions at any time 	<ul style="list-style-type: none"> • Govt Code §13957.2 • Govt Code §13959

Topic	Code
GOOD SAMARITAN ACT	
Claim Procedure and Recovery Limitation	Govt Code § 13972
Definition of “Private Citizen”	Govt Code § 13971
Hearing Procedure	Govt Code § 13973
Indemnification by State	Govt Code § 13970
GOVERNMENT LIABILITY	
Failure to Provide Police Protection	Govt Code § 845
Injury from Failure to Arrest or Detain	Govt Code § 846
Injury from Parolee or Escapee	Govt Code § 845.8
State of Limitations (SOL)	Govt Code § 911.2
• Expiration of SOL for Minors	• Govt Code § 911.4
• Grounds to Allow Late Claim	• Govt Code § 911.6
HARASSMENT	
Definition and Firearm Restriction	Code of Civ. Pro. § 527.6
Telephone Harassment: Generally	Pen. Code § 653m
Protective Order	See: Protective Orders (Civil Harassment)
HATE CRIMES	
Additional Punishment	Pen. Code §§ 422.7-422.75
Defined	Pen. Code § 422.6
Freedom From Violence	Civil Code § 51.7
Injunctions to Prevent/Stop Hate Group Gatherings	Code of Civ. Pro. § 527.7
HOMICIDE	
See Crimes: Murder	
Burden of Proof: Mitigation in Homicide Cases	Pen. Code § 189.5
Excusable (Committed by Accident or Misfortune)	Pen. Code § 195
Justified by Police	Pen. Code § 196
• Justified by Persons, Reasonable Fear	• Pen. Code §§ 197, 198
• Justified/Excused Not Punishable	• Pen. Code § 199
Three Years and a Day SOL for Presumption of Murder	Pen. Code § 194
IDENTITY THEFT	
Blocking Access to Data	Civil Code § 1785.15
Credit Card Fraud	Pen. Code § 502.6
Disclosure of Information Shared by Businesses- “Shine the Light” Law	Civil Code § 1798.83
Victims Rights	Civil Code § 1785.15.3
INSURANCE CODE	
<u>Discriminatory Practices</u>	
• Victims of DV; denial or refusal to accept applications	• Ins. Code §676.9

Topic	Code
<ul style="list-style-type: none"> • Restrictions on insurer's right to cancel or refuse to renew policy or increase premiums for loss relating to hate crimes • Victims of DV; health care service plans; enrollment, coverage or rate discrimination; underwriting coverage on basis of medical condition • Prohibits discrimination by life insurers based on DV status of applicant or insured 	<ul style="list-style-type: none"> • Ins. Code §676.10 • Ins. Code §10144.2 • Ins. Code §10144.3
JUDGMENTS	
10 Year Period for Enforcement	Civil Code § 683.020
Renewal	Civil Code § 683.110
Restitution: Enforcement & Disclosure	Pen. Code § 1202.4; Pen. Code § 1214
JURISDICTION	
Small Claims Court	Civil Code § 116.220
Superior Court: Limited Civil Cases	Civil Code § 86
JUVENILE COURT (Delinquency/Juvenile Offenders)	
Absence of Notice to Parent	Welf. & Inst. Code § 637
Admission of Public & Persons Having Interest in Case	Welf. & Inst. Code §§ 676-676.5
Confidentiality of Court Records	Welf. & Inst. Code §§ 827-828
Determination of Minor's Fitness for Treatment Under Juvenile Court Law	Welf. & Inst. Code § 707
Dismissal	Welf. & Inst. Code § 782
Disposition Hearing	Welf. & Inst. Code § 706
Disposition of Minor as Ward of Court	Welf. & Inst. Code § 725
Evidence considered	Welf. & Inst. Code § 725.5
Factors to Consider in Detention Hearing	Welf. & Inst. Code §635
Imposition of Restitution Fines and Restitution Order Enforcement	Welf. & Inst. Code § 730.6
Notice to Victim of Final Disposition	Welf. & Inst. Code § 742
Temporary Custody of a Juvenile	Welf. & Inst. Code §§ 625, <i>et seq.</i>
Parents' Liability for Willful Misconduct	Welf. & Inst. Code § 760.7; Civil Code §§ 1714.1-1714.4
Restitution	Welf. & Inst. Code § 730.6
Rights of Victim	Welf. & Inst. Code § 656.2
KIDNAPPING	
Amber Alert: Emergency Alert System	Govt § 8594
Notification-- See Victim's Rights	
LABOR CODE	
<u>Domestic Violence Employment Leave Act</u>	
<ul style="list-style-type: none"> • Employment protections: victims of DV, sexual assault, or stalking • Time off from work for victims of DV or sexual assault 	<ul style="list-style-type: none"> • Labor Code §230 • Labor Code §230.1

Topic	Code
PARENTAL LIABILITY FOR JUVENILE OFFENDERS	
Liability for Willful Misconduct	Civil Code § 1714.1
Consequences of Minor's Acts on School Property	Edu. Code § 48904
Minor's Use of Firearms	Civil Code § 1714.3
Petty Theft from Merchant or Library	Pen. Code § 490.5
Restitution: Parent/Guardian Liability	Welf. & Inst. Code § 730.7
PAROLE	
<ul style="list-style-type: none"> • Conditions of Parole; Medical • Abstain from Alcohol • Youth Authority Board Discretion 	<ul style="list-style-type: none"> • Pen. Code § 3053 • Welf. & Inst. Code § 1767.2 • Welf. & Inst. Code § 1176
Criteria and Setting of Parole Release Date	Pen. Code § 3041
Denial of Minor's Parole	Welf. & Inst. Code § 1800
Discharge from Parole	Pen. Code § 3001
Duration/Honorable Discharge	Welf. & Inst. Code §§ 1177, <i>et seq.</i>
Generally; Release and Period	Pen. Code §§ 3000, <i>et seq.</i>
Victim: Notice, Appearance, Statement	Welf. & Inst. Code § 1767
Life Parole for Murder	Pen. Code § 3000.1
Location of Release: Considerations	Pen. Code § 3003
Notice of Parole Hearing/Right to Appear	<i>See</i> Victim's Rights
Reduction of Sentence for Good Behavior	Pen. Code § 2931
Release and Period of Parole	Pen. Code § 3000
Release of Felon 35 Miles from Victim/Witness and Not within ½ Mile of School	Pen. Code §§ 3003(f)-(h)
Revocation: Juveniles	Welf. & Inst. Code § 1767.3
Right to Counsel for Life Prisoner	Pen. Code § 3041.7
Right to Interested Persons	Pen. Code § 3043.5
Support Person at Parole Hearing	Pen. Code § 3043.1
Setting Release Dates by Panel	Pen. Code § 3041
Victim Statements	Pen. Code § 3043(b)(1)
Written, Audio, Video	Pen. Code § 3043.2
Work-time Credits	Pen. Code § 2933
Ineligible Felons	Pen. Code § 2933.5
Limitation on Accrual	Pen. Code § 2933.1
PENAL CODE	
Crimes Against Public Justice	
<ul style="list-style-type: none"> • Intimidation of witnesses and victims 	<ul style="list-style-type: none"> • Pen. Code §136.1

Topic	Code
<ul style="list-style-type: none"> • Protective orders available in response to good cause belief of harm to, intimidation of, or dissuasion of victim or witness; hearings; findings and consent of law enforcement required; transmission of orders and modified orders; effect of emergency protective orders; restrictions on firearms possession; forms; electronic monitoring • Party enjoined under §136.2 prohibited from taking action to obtain protected party or their family's location information • Threat to use force or violence upon witnesses, victims; punishment • Threatening witnesses, victims • Contempt of court; conduct constituting • Criminal Profiteering Activity: definition of human trafficking • Disposition of money forfeited or sale proceeds; deposit into certain accounts • Human trafficking for forced labor services or specified felonies for adults and minors; felony; definitions • Identification of victims of human trafficking; indicators 	<ul style="list-style-type: none"> • Pen. Code §136.2 • Pen. Code §136.3 • Pen. Code §139 • Pen. Code §140 • Pen. Code §166 • Pen. Code §186.2 • Pen. Code §186.8 • Pen. Code §236.1 • Pen. Code §236.2
<p><u>Assault and Battery</u></p> <ul style="list-style-type: none"> • Battery defined • Battery on spouse, former spouse, fiancé, parent of defendant’s child, dating relationship; punishment 	<ul style="list-style-type: none"> • Pen. Code §242 • Pen. Code §243(e)(1)
<p><u>Rape</u></p> <ul style="list-style-type: none"> • Rape defined • Consent, current or previous dating or marital relationship • Rape of spouse; elements • Rape; rape of spouse; unlawful sexual intercourse; punishment • “Victims of Domestic Violence” card; notification of counseling center 	<ul style="list-style-type: none"> • Pen. Code §261 • Pen. Code §261.6 • Pen. Code §262 • Pen. Code §264 • Pen. Code §264.2
<p><u>Neglect of Children, Spousal Abuse</u></p> <ul style="list-style-type: none"> • Corporal punishment or injury of child; felony; punishment; enhancement for prior conviction; conditions of probation • Willful infliction of corporal injury; violation; punishment • Intentional and knowing violation of court order to prevent harassment, disturbing the peace, or threats or acts of violence; penalties • Violation of restraining and protective orders relating to dependent minors • Malicious disclosure of location of DV shelter or human trafficking shelter; misdemeanor; definitions; non-application to attorney-client communications • Criminal history search; prior restraining orders 	<ul style="list-style-type: none"> • Pen. Code §273d • Pen. Code §273.5 • Pen. Code §273.6 • Pen. Code §273.65 • Pen. Code §273.7 • Pen. Code §273.75
<p><u>Spousal Abusers</u></p> <ul style="list-style-type: none"> • Spousal abuser prosecution program 	<ul style="list-style-type: none"> • Pen. Code §273.81

Topic	Code
<ul style="list-style-type: none"> • Enhanced prosecution efforts and resources • Individuals subject to spousal abuser prosecution effort; selection of cases • Policies; pretrial release, sentence and reduction of time between arrest and disposition of charge • Adherence to selection criteria; orderly submission of information • Characterization of defendant as spousal abuser 	<ul style="list-style-type: none"> • Pen. Code §273.82 • Pen. Code §273.83 • Pen. Code §273.84 • Pen. Code §273.85 • Pen. Code §273.86
<p><u>Child Abduction</u></p> <ul style="list-style-type: none"> • Definitions • Deprivation of custody of child or right to visitation • Aggravation and mitigating factors for sentencing • Exception; belief of bodily injury or emotional harm; report by person taking or concealing child; confidentiality • Protective custody; emergency protective orders 	<ul style="list-style-type: none"> • Pen. Code §277 • Pen. Code §278.5 • Pen. Code §278.6 • Pen. Code §278.7 • Pen. Code §279.6
<p><u>Registered Sex Offenders</u></p> <ul style="list-style-type: none"> • Registration of persons convicted of registrable offenses in out-of-state, federal, or military courts • Annual update; sexually violent predator update; transient update; no fee for registration or update • Definition of “Internet service provider” and “Internet identifiers” • Registered sex offenders prohibited from residing, working, volunteering in community care facilities 	<ul style="list-style-type: none"> • Pen. Code §290.005 • Pen. Code §290.012 • Pen. Code §290.015 • Pen. Code §290.96
<p><u>Elder or Dependent Adults</u></p> <ul style="list-style-type: none"> • Crimes against elder or dependent adults 	<ul style="list-style-type: none"> • Pen. Code §368
<p><u>Criminal Threats</u></p> <ul style="list-style-type: none"> • Elements of offense; immediate family defined • Misdemeanor crime to obstruct wireless communication from notifying law enforcement 	<ul style="list-style-type: none"> • Pen. Code §422 • Pen. Code §591.5
<p><u>Invasion of Privacy</u></p> <ul style="list-style-type: none"> • Domestic violence restraining order; permission to record prohibited communications by perpetrator • Electronic tracking device • Fine for selling telephone records; elements of offense 	<ul style="list-style-type: none"> • Pen. Code §633.6 • Pen. Code §637.7 • Pen. Code §638
<p><u>Stalking</u></p> <ul style="list-style-type: none"> • Stalking; punishment; definition includes willful harassment • Stalking; emergency protective orders; issuance; expiration; service; filing; enforcement; liability; scope of section; punishment • Addresses or locations of persons protected under court order 	<ul style="list-style-type: none"> • Pen. Code §646.9 • Pen. Code §646.91 • Pen. Code §646.91a

Topic	Code
<ul style="list-style-type: none"> • Notification to victim or witness of release of person convicted of stalking or DV • Telephone number available to public and victims for bail status inquiries; notification of victim of bail hearing; additional conditions of release • Parolee convicted of stalking; specialized parole supervision program; specialized services 	<ul style="list-style-type: none"> • Pen. Code §646.92 • Pen. Code §646.93 • Pen. Code §646.94
<p><u>Annoying Calls</u></p> <ul style="list-style-type: none"> • Telephone calls with intent to annoy; includes computers, faxes, pagers • Threats to safety by means of electronic communication device 	<ul style="list-style-type: none"> • Pen. Code §653m • Pen. Code §653.2
<p><u>Rights of Victims and Witnesses of Crimes</u></p> <ul style="list-style-type: none"> • Victim of sexual assault; right to advocate and support person • Right to have DV or abuse advocates present at interviews with law enforcement authorities; notice • Law enforcement may distribute “Victim Rights” cards 	<ul style="list-style-type: none"> • Pen. Code §679.04 • Pen. Code §679.05 • Pen. Code §679.08
<p><u>Possession of Date Rape Drugs</u></p> <p>Defines “nonviolent drug possession offense” as unlawful personal use, possession for personal use, or transportation for personal use of any controlled substances on Schedules I to V</p>	<p>Pen. Code §1210</p>
<p><u>Victim Access to Restitution Information</u></p> <p>Enforcement of fine or restitution order; victim's access to resources for enforcement of order</p>	<p>Pen. Code §1214</p>
<p><u>Firearm Information for Victims</u></p> <p>Peace officers may inform DV victims of DV defendant's firearm information recorded in Dept. of Justice registry</p>	<p>Pen. Code §11106</p>
<p><u>Child Abuse and Neglect Reporting Act</u></p> <p>Definition of “unfounded report,” “substantiated report,” and “inconclusive report”</p> <p>Abuse and neglect in out-of-home care; includes physical injury inflicted by other than accidental means</p> <p>Child abuse and neglect defined</p> <p>Defines “mandated” child abuse reporters to include employees, administrators of postsecondary institutions whose duties bring them in contact with children on regular basis; plus athletic coaches, administrators, and directors</p> <p>Specifies how child abuse cases are to be reported</p>	<p>Pen. Code §11165.12</p> <p>Pen. Code §11165.5</p> <p>Pen. Code §11165.6</p> <p>Pen. Code §11165.7</p> <p>Pen. Code §11165.9</p>

Topic	Code
Child abuse reporting; reporting may be by fax or electronic transmission; “reasonable suspicion” for mandatory reporter does not have to include certainty that child abuse or neglect has occurred or medical indication of abuse and neglect	Pen. Code §11166
Any mandated reporter who has knowledge of or reasonably suspects mental suffering has been inflicted on child or emotional well-being of child is in danger may report	Pen. Code §11166.05
Police department, sheriff’s department, county probation department, and county welfare department must forward to Department of Justice substantiated reports of child abuse and severe neglect	Pen. Code §11169
Child Abuse Central Index (CACI), includes information from substantiated reports; person listed on CACI has right to agency hearing; due process requirements for hearing	Pen. Code §11170
Civil and criminal immunity for mandated reporters required or authorized to make reports; claim for reasonable attorney’s fees	Pen. Code §11172
<u>Family Justice Centers</u>	
Cities of San Diego and Anaheim and Counties of Alameda and Sonoma authorized to establish family justice centers to help victims of abuse; centers required to consult with various professionals to develop certain procedures	Pen. Code §13750
<u>Victims' Legal Resource Center</u>	
Legislative findings and declarations	Pen. Code §13897
Resource center establishment; statewide toll-free information service 1-800-VICTIMS; provider of services to crime victims defined	Pen. Code §13897.1
Grant of award; private, nonprofit organization; duties of center; subgrantee compensation; confidential records	Pen. Code §13897.2
<u>Protective Orders</u>	
Peace officer serving protective order for possession of weapons or ammunition must request firearm be immediately surrendered; person ordered to relinquish firearm must file copy of receipt with local law enforcement agency within 48 hours after service; law enforcement officers must take temporary custody of weapons after serving order	Pen. Code §18250
PLEA BARGAINING (Pretrial Disposition)	
Limits; Felon Defined	Pen. Code § 1192.7(c)
PRELIMINARY HEARINGS	
Attendance of Support Persons/Victims Family	Pen. Code §§ 868-868.5
Exclusion of Public Upon Motion of Prosecutor	Pen. Code § 868.7
Exclusion of Public Upon Request of Defendant	Pen. Code § 868

Topic	Code
Postponement to Accommodate Child Witness	Pen. Code § 861.5
Presence of Victim's Family	Pen. Code § 868
Probable Cause; Basis of Finding	Pen. Code § 872
Room for Minor Witnesses	Pen. Code § 868.6
Special Precautions for Child Molest Victims	Pen. Code § 868.8
Victim Attendance and Exclusion	Pen. Code § 1102.6
Videotaping of Victim's Testimony and Admission	Pen. Code § 1346
PROBATION	
Conditions for Granting Probation	Pen. Code § 1203.1
· Placing Minor on Probation	Welf. & Inst. Code §§ 725, et seq.
· Deferred Entry of Judgment: Juveniles	Welf. & Inst. Code § 794
· Drug Testing: Juveniles	Welf. & Inst. Code § 729.9
Generally	Pen. Code § 1203
Ineligibility: Generally	Pen. Code §1203(e)
· Certain Sex Offenses	Pen. Code § 1203.065
· Crimes Against Elderly or Handicapped	Pen. Code § 1203.09
· Great Bodily Injury	Pen. Code § 1203.075
· Lewd Acts with Children Under 14	Pen. Code § 1203.66
· Lewd Acts with Children Under 14 (Multiple Priors)	Pen. Code § 1203.8
· Use of a Firearm	Pen. Code § 1203.6
Jurisdiction: Juveniles	Welf. & Inst. Code § 241.1
Probation Report as Public Record for Inspection & Copying	Pen. Code § 1203.05
Revocation/Modification	Pen. Code § 1203.3
Rearrest/Discharge of Probation	Pen. Code § 1203.2
PROPERTY- STOLEN	
Return of Property: Duties of Police Property Clerk	Pen. Code § 1413
PROPOSITION 9- MARCY'S LAW- RIGHTS OF VICTIMS	
Rights of Victims	Cal. Const. Act. I § 28
PROPOSITION 115- CRIME VICTIM JUSTICE REFORM ACT	
Discovery:	
· Generally	Pen. Code §§ 1054, et seq.
· Reciprocal in Nature	Cal. Const. Act. I § 30
Hearsay Admissible at Preliminary Hearing	Cal. Const. Act. I § 30(b)

Topic	Code
Murder: · Hate Crimes Based on Sexual Orientation, Gender, Disability, Race, Religion, Ethnicity · Special Circumstances for Life Imprisonment Without Parole	Pen. Code § 190.03
Rights Not to Exceed U.S. Constitution	Cal. Const. Act. I § 24
Speedy Trial: · Due Process & People's Right to Speedy Trial · Time Limit Defense/Counsels Readiness to Proceed	Cal. Const. Act. I § 29 Pen. Code Code § 987.05
Torture, Crime and Punishment: Life Imprisonment	Pen. Code §§ 206-206.1
Voir Dire of Jurors	Civ § 223
PROTECTIVE ORDERS	
Child Molester Non-Contact Order with Victim	Pen. Code § 647.6(d)(2)
Children & Incompetents as Parties, Between Minor Parties, Accompanied by Guardian	Civ §§ 372-376
Civil Protective Order; No Right to Firearm (Maybe used for Assault, Battery, Harassment & Stalking)	Civ § 527.6
Relinquishment of Firearms	Civ § 527.9
Criminal Punishment for Violation	Pen. Code §§ 273.6-273.65
Definition	Fam § 6218
PROTECTIVE ORDERS: SPECIFIC TYPES	
Domestic Violence · Attorney's Fees · Access to Domestic Violence Reports Act · Address of Petitioner Not Required · Clerk to Provide Petitioner with Copies of Order · Criminal Penalty for Violation · Criminal Precedence over Civil Orders · Defined · Duration · Enjoining Harassment, Threats, Violence · Evidence of Past Abuse	Fam § 6344 Fam § 6228 Fam § 6225 Fam § 6387 Fam § 6388; Pen. Code § 273.6 Fam § 6383; Pen. Code § 136.2 Fam § 6218 Fam § 6345 Fam § 6320 Fam § 6300
• Exclusion from Dwelling	Fam § 6321
• Filing Fees & Other Waivers	Fam § 6222
• Filing Fee Waiver From/Restraining Order Packet	Fam § 6380(g)

Topic	Code
• Full Faith and Credit Given to Protection Order	18 USC § 2265
• Generally	
○ Ex Parte PO	Fam § 2045
○ TRO	Fam § 7700
• Mutual Orders	Fam § 6305
• Out-of-State Protective Order	Fam § 6402(a); Pen. Code § 273.75
• Participation in Counseling, Ordered	Fam § 6343
• Prelim. Injunction & TRO	Civ § 527
• Record Search by the Court to Determine Prior Criminal Convictions Involving Domestic Violence	Fam § 6306(a); Pen. Code § 273.75
• Restrained Persons Prohibited Possessions of Firearm; Relinquishment	
	Fam § 6389; Pen. Code § 29825
• Service of Summons: General	Civ § 413.10
○ Permitted Persons who can serve	Civ § 414.10
○ Manner by which to serve	Civ § 415.10
• Showing of Past Abuse to have PO Issued	Fam § 6300
• Support Person: Definition & Role	Fam § 6303
• Temporary custody & Visitation of children	Fam § 6323
• Temporary use of property	Fam § 6324
○ Community property	Fam § 6325
• Violation not in Presence of Law Enforcement: Arrest	Pen. Code § 836(c)(1)
Emergency Protective Order	
• Definition	Fam § 6215
• Availability	Fam § 6254
• Contents	Fam § 6253
• Duty of Law Enforcement & Stalking PO	Fam §§ 6270-6275
• Expiration	Fam § 6256
• Grounds for Ex Parte Order	Fam §§ 6250-6250.5
• Issuance of Specific Orders	Fam § 6252
• Requirement: Child, Elderly, Dependent Adult	Fam § 6251
• Violation Not in Presence of Law Enforcement: Arrest	Pen. Code § 836(c)(1)
Injunction Defined	Civ § 525
Injunction to Prevent Harassment (civil)	Civ § 527.6; Pen. Code § 273.6
Types of Protective Orders	Fam § 6218
• Civil Harassment Restraining Order	Civ §§ 527.6-527.9
• Domestic Violence Restraining Order	Fam §§ 6300, <i>et seq.</i>
• Juvenile Restraining Order	Welf. & Inst. Code § 726.5

Topic	Code
• Emergency Protective Order	Fam §§ 6250, <i>et seq.</i> ; Pen. Code § 646.91
• Criminal Protective Order	Pen. Code § 136.2
Elder and Dependent Adult Protective Order	Welf. & Inst. Code § 15657.03
• Workplace Violence and Threats, TRO; Prohibition of Firearm	Civ § 527.8
Victims of Stalking & Protective Order	Pen. Code §§ 646.9-646.91
Victim & Witnesses of Crimes	Pen. Code § 136.2; H&S § 11573.5
PUBLIC RECORDS	
Access to Domestic Violence Reports Act	Fam § 6228
California Public Records Act	Gov § 6250, <i>et seq.</i>
Confidentiality of Victim/Witness Information	Pen. Code § 841.5
Definitions	Gov § 6252
Disclosure of Exempt Records	Gov § 6254
Enforcement of Right to Disclose	Gov § 6258
Exemption of Particular Records	Gov § 6254
Fees, Agency Duty, Time Limits	Gov § 6253
Inspection and Review	Gov §§ 6259, 6253
Judicial Records: Discovery & Status of Existing Judicial Records	Gov § 6260
Right to Copy Records, Time Limits	Gov § 6253(b),(c)
Vehicle Accident Reports	Veh. Code § 20012
Verification of Pertinent Information	Gov § 13954
Victim's Right to Obtain Police Report	Gov § 6254(f)
Violent Offenders- Data, Internet Information, Missing & Exploited Children	Pen. Code §§ 14201.1, 14201.5, 14201.6, 14202
Withholding Records	Gov § 6255
RAPE	See Crimes & Sexual Assault
RESTITUTION FINES	
General	Pen. Code §§ 1202.4(a)(2), (a)(3)(A), (b)-(e); Welf. & Inst. Code § 730.6(a)(2)(A)
Effect of Revocation of Prohibition/Conditional Sentence	Pen. Code § 1202.44
RESTITUTION ORDERS	
Bankruptcy (Protection from Discharge)	11 U.S.C.A. § 523(a)(7), (13); Civ Pro § 708.200
California Constitution	Art. I, § 28(b)(13)
Community Service in Lieu of Restitution	Pen. Code § 1202.4(n); W&I § 730.6(n)
Conditions of Parole	Pen. Code § 3000
Condition of Plea	Pen. Code § 1192.3
Condition of Prohibition	Pen. Code §§ 1202.4(f)(11), (m); W&I § 730.6(l)

Topic	Code
Condition of Release- Juveniles	Welf. & Inst. Code § 1766.1
Deduction from Prison Wages	Pen. Code § 2085.5(a); Welf. & Inst. Code § 1752.82
Deduction from Prisoner's and Parolee's Recovery in Civil Suits	Pen. Code § 2085.5(j)
Direct Restitution to Victim	Pen. Code § 1202.4(f); Welf. & Inst. Code § 730.6(a)(2)(B)
Direct Restitution: What is Covered	Pen. Code § 1202.4(f)(3); Welf. & Inst. Code § 730.6(h)
Enforcement as a Civil Judgment	Pen. Code §§ 1202.4(a)(3)(B), 1191.2; Welf. & Inst. Code § 730.6(i)
Paid by Performance of Services (Condition of Probation)	Welf. & Inst. Code § 729.7
Enforcement	Pen. Code § 1214
Enforcement Procedures for Federal Crimes	18 U.S.C.A. § 3664
Generally	Pen. Code § 1202.4
Parent/Guardian Liability	Welf. & Inst. Code §§ 730.7, 729.5(5)
Reduction of Beneficiary's Interest from Sale of Convicted Felon's Story	Civ §§ 2225(a)(5)(C), (D)
Unsatisfied Order	Pen. Code § 11177.2
RESTRAINING ORDERS	See: Protective Orders
SCHOOLS	
Assault on School Property	Pen. Code § 241.2
Battery on School Property	Pen. Code § 243.2
Drug Offender on Campus	Pen. Code § 626.85
Expulsion of Student: Particular Circumstances	Educ § 48915
Investigation of Abuse of Pupil Against School Employee	Pen. Code § 11165.14
Other Weapons on Campus & Exceptions	Pen. Code § 626.10
Parental Liability for Acts Done on Campus	Educ § 48904
Principal's Duty to Notify Law Enforcement	Educ § 48902
Reporting and Documenting of Crimes	Educ § 14044
Right to Safe Schools	Cal. Const. Art. I § 28(a)(7)
Sex Offenders on School Grounds	Pen. Code § 626.81
Trespass on Grounds; Refusal to Leave; Penalties	Pen. Code §§ 626.4, 626.6, 626.7
SENTENCING	
Determinate Sentencing	Pen. Code § 1170
Dismissal of Charges	Pen. Code § 1192.6
Estimate of Credits	Pen. Code § 1191.3
Factors to Consider in Sentencing	Pen. Code § 1170(b)
Three Strikes Law (Generally)	Pen. Code § 667, et seq.
Victim's Right to Attend	Pen. Code § 1191.1

Topic	Code
Victim's Right to Make a Statement	Pen. Code § 1191.1
Victim's Right to Record & Preserve Statement	Pen. Code § 1191.16
Victim's Statement: Written, Audio, Video	Pen. Code § 1191.15
SEXUAL ASSAULT	
Admissibility of Defendant's Prior Unlawful Sexual Acts	Evid § 1108
Confidentiality of Victim/Witness Name or Address	Pen. Code §§ 136.7, 293, 293.5; Evid § 352.1
Confidentiality of Victim's Toxicology Results	Pen. Code § 13823.11(g)(1)(D)
Costs of Medical Examination	Pen. Code § 13823.95
DMV: Request for New License Plates	Veh § 4467
DNA Testing & Results (DNA Bill of Rights)	Pen. Code § 680
Enhancement of Prison Terms	Pen. Code §§ 667.6, 667.61
Health Practitioners Duty to Report	Pen. Code § 11160
Abusive/Assaultive Injuries to Police	
HIV Testing of Convicted Sex Offender	Pen. Code § 1202.1
HIV Testing of Defendants	Pen. Code § 1524.1; H&S §§ 121050, 121055
Law Enforcement: Duty to Notify Victim of Counseling Services	Pen. Code § 264.2(b)
Mandatory Reporting: Child Victim of Abuse	Pen. Code §§ 11166, 11165.9, 152.3
Medical Exam and Treatment of Victim- Minimal Standard	Pen. Code §§ 13823.11, 13823.5
Post-coital Contraception	Pen. Code § 13823.11(e)
Right of Witness Not to be Psychologically Examined	Pen. Code § 1112
"Rape Shield" Statutes: Civil	Evid § 783
"Rape Shield" Statutes: Criminal	Evid § 782
Refusal to Testify; Victim of Sexual Assault	Civ Pro §§ 128(d), 1219(b)
Right to Presence of Advocate and Supporter	Pen. Code §§ 679.04, 264.2(b)
Support Person at Preliminary Hearing & Trial	Pen. Code § 868.5
SEXUAL OFFENDERS	
Registration	Pen. Code § 290
Registration: School Campuses/Colleges	Pen. Code § 290.01
Child Molester Identification Line: California Megan's Law	Pen. Code §290.4
Child Molester Non-Contact Order with Victim	Pen. Code § 647.6(d)(2)
Commitment to State Facilities	Welf. & Inst. Code § 4135
Federal Sexual Offender Registration Requirement	42 U.S.C.A. § 16901, et seq.
HIV Testing	Pen. Code § 1202.1
SMALL CLAIMS COURT	
Small Claims Advisory Clinics	Civ Pro § 116.940
Commencement of Action	Civ Pro § 116.320
Counterclaim	Civ Pro § 116.360
Jurisdiction	Civ Pro § 116.220

Topic	Code
Service of Process	Civ Pro § 116.340
SPOUSAL PRIVILEGE	
Spousal Privilege; Generally	Evid § 970
Exception when Inapplicable	Evid § 972
Right to Exception from Acting as Witness Against Spouse	Evid § 971
Waiver of Spousal Privilege	Evid § 973
Confidential Communications	Evid § 980
STALKING	
Generally	Pen. Code § 646.9
Civil Tort Action	Civ § 1708.7
Notice to Victim of Stalker's Release	Pen. Code § 646.92
Privacy Rights of the Victim: Disclosure of Address or Telephone Number	Pen. Code § 1054.2
Protective Order	See Protective Orders: Civil
Public Records: Maintaining Victim Confidentiality/Reporting of Crimes	Gov § 6254(f)(2)
Records: DMV Information, New License Plates	Veh. Code §§ 1808.21, 1808.22, 4467
Registration Orders: Sex Offender	Pen. Code § 646.9(d)
Workplace: Stalking/Protective Order	Civ Pro § 527.8
STATUS OF OFFENDER	See Victims' Rights- Notice
STATUTE OF LIMITATIONS: CIVIL	
Child Sexual Abuse:	Civ Pro § 340.1
• 8 years after reaching the age of majority, or	Civ Pro § 340.1
3 years after the plaintiff reasonably should have discovered the injury (whichever period is later)	Civ Pro § 340.1
Domestic Violence	Civ Pro § 340.15
• 3 years from date of last act of domestic violence, or 3 years after the plaintiff reasonably should have discovered the injury or illness (whichever period is later)	
Felony Offense: Action for Damages Based on Commission of Felony Offense	Civ Pro § 340.3
• 1 year from date of conviction ("unless a longer period is proscribed for a specific action	
Note: if the sentence or conviction is stayed, the statute of limitations is tolled until the stay is lifted.	
○ Certain offenses 10 years after defendant discharged from parole	
• Exemption: Victim of Intimate Partner Battering	
Fraud or Mistake	Civ Pro § 338(d)
○ 3 years from time of discovery	

Topic	Code
Government Liability	Gov § 911.2
<ul style="list-style-type: none"> 6 months for claims of death or injury to person, personal property and/or growing crops- Any other cause of action- 1 year 	
Legal Malpractice (Other than Fraud)	Civ Pro § 340.6
<ul style="list-style-type: none"> 1 year from date of discovery or 1 year from date plaintiff should have reasonably discovered wrongful act or omission; or 4 years from date of wrongful act or omission, whichever occurs first. 	
Medical Malpractice	Civ Pro § 340.5
<ul style="list-style-type: none"> 3 years from date of injury or 1 year from date plaintiff discovers injury or should have reasonably discovered the injury (whichever occurs first) 	
<ul style="list-style-type: none"> Note: The statute of limitations may not be tolled for more than 3 years, unless the case is based on the following: 	
1. Proof of fraud	
2. Intentional concealment, or	
3. If a foreign object with no therapeutic or diagnostic purpose is left in the person's body.	
<ul style="list-style-type: none"> Minor 6 years & under: 3 years or 8th birthday, whichever is a longer period 	
Assault & Battery, Personal Injury, Wrongful Death/Neglect	Civ Pro § 335.1
<ul style="list-style-type: none"> 2 years from date of assault, injury or death 	
Trespass/Injury to Real Property	Civ Pro § 338(b)
General: Relief Not Otherwise Provided For	Civ Pro § 343
4 years	
<ul style="list-style-type: none"> Tolling (Extending Statute of Limitations) 	Civ Pro § 351, et seq.
STATUTE OF LIMITATIONS: CRIMINAL	
Felony Punishable by Less than 8 Years	Pen. Code § 801
3 years	
Felony Punishable by 8 Years or More	Pen. Code § 800
<ul style="list-style-type: none"> 6 years 	
Felony Punishable by Death or Life Imprisonment without Parole or Embezzlement of Public Money	Pen. Code § 799
<ul style="list-style-type: none"> Maybe commenced at any time 	
Misdemeanor	Pen. Code § 802(a)
<ul style="list-style-type: none"> 1 year 	
Misdemeanor Sex Offense Involving a Minor	Pen. Code § 802(b)
<ul style="list-style-type: none"> 3 year 	
Voluntary Vehicular Manslaughter	Pen. Code § 193(c)

Topic	Code
<ul style="list-style-type: none"> 3 years 	
<ul style="list-style-type: none"> Tolling (Extending the Statute of Limitations) 	Pen. Code § 803
SUBPOENA	
Civil	Civ Pro § 1987.1
Criminal	Pen. Code § 1564
Persons Authorized to Issue	Pen. Code § 1326
<ul style="list-style-type: none"> Prohibition of Discharge Employee for Obeying Subpeona, Serving on Jury, or for Seeking Relief Against Domestic Violence/Sexual Assault. 	Lab § 230
THREE STRIKES	
Generally	Pen. Code § 667 et seq 1192.7
TRAINING STANDARDS	
Mandatory continuing Education Courses for therapists	Bus & Prof § 4980.57
VICTIM IMPACT STATEMENT	
Sentencing	
<ul style="list-style-type: none"> Adult 	Pen. Code §§ 1191.1, 1191.3
Juvenile	Welf. & Inst. Code §§ 656.2, 706
Victim Statement at Parole	Pen. Code §3043(b)(1)
<ul style="list-style-type: none"> Written, Audio, Video 	Pen. Code § 3043.2
VICTIM/WITNESS CENTERS	
Generally	Pen. Code § 13835, et seq.
Center Activities	Pen. Code § 13835.4
Development of Standards	Pen. Code § 13835.6
Funding Requirements	Pen. Code § 13835.2
Legislative Declaration; Victim-Assistance Program	Pen. Code § 13835.10
Optional Services	Pen. Code § 13835.5
Required Services	Pen. Code § 13835.5
Victim-Witness Assistance Fund	Pen. Code § 13835.7
VICTIM BILL OF RIGHTS	
Generally	Pen. Code § 679.02
	Cal. Const. Art I, § 28
Public Safety Bail	Cal. Const. Art I, § 28(f)(3)
Restitution	Cal. Const. Art I, § 28(b)(13)
Right to Safe Schools	Cal. Const. Art I, § 28(f)(1)
Right to Truth-in-Evidence	Cal. Const. Art I, § 28(f)(2)

Topic	Code
Use of Prior Convictions	Cal. Const. Art I, § 28(f)(4)
VICTIM COMPENSATION PROGRAM	
Application Procedure, Approval/Denial of Application	Govt §§ 13952, 13958
Board Actions to Recover Money	Govt § 13966
Victim Compensation	Govt §§ 13950 – 13963
Confidentiality of Minor’s Information	Govt § 13954(d)
Definitions: (i.e. Crime, Victim, Etc.)	Govt § 13951
Domestic Violence Claim	Govt § 13956(b)(2)
Eligibility Requirements	Govt § 13955
• Derivative Victim Eligibility	Govt § 13955(a)(2)
Injury/Loss Direct Result of a Crime	Govt § 13955
• Emergency Awards	Govt § 13952.5
Expenses Covered	Govt § 13957
• Attorney’s Fees (10% of award, maximum \$500)	Govt § 13957.7(g)
• Crime Scene Cleanup (maximum \$1,000)	Govt § 13957(a)(10)
• Disability Accessibility	Govt § 13957(a)(7)
• Funeral Expenses (maximum \$7,500)	Govt § 13957(a)(9)(B)
• Job Retraining	Govt § 13957(a)(5)
• Loss of Income or Support	Govt §§ 13957(a)(4), 13957.5
• Medical Expenses	Govt § 13957(a)(9)(A)
• Medical-Related Expenses	Govt § 13957(a)(1)
• Mental Health Counseling Limits	Govt § 13957(a)(2)
• Nonmedical Care- Religious Healing	Govt § 13957(a)(3)
• Relocation (maximum \$2,000)	Govt § 13957(a)(8)(A)
• Residential Security (maximum \$1,000)	Govt § 13957(a)(6)
Total Award Monetary: Limits	Govt § 13957(b)
• Filing an Application for Compensation	Govt § 13952
Hearings and Judicial Review for Applicants Denied Compensation	Govt § 13959
Legislative Findings	Govt § 13950
Liability for Overpayment	Govt § 13965
Non-Eligible Persons:	Govt § 13956
• Failure to Cooperate with Law Enforcement	Govt § 13956(b)(1)
• Victim’s Involvement in Events	Govt § 13956(c)
• Felon or Parolee	Govt § 13956(d)(1)
Victim’s Participation in the Crime	Govt § 13956(a)
Petition for Judicial Review	Govt § 13960
• Petition for Judicial Review: Attorney’s Fees	Govt § 13960(b)
• Relocation: Victims of Domestic Violence or Sex Assault	Govt §§ 13957(8)(a)-(e)

Topic	Code
Restitution Fund, Payment Form	Govt § 13964
Review and Verification of Application	Govt § 13952(b)(1)
Time Period for Filing Application	Govt §§ 13953, 13958
Verification of Information	Govt § 13954
VICTIM LEGAL RESOURCE CENTER	
Duties of Center	Pen. Code § 13897.2
Establishment of Center	Pen. Code § 13897.1
Guidelines for Funding and Performance Standards	Pen. Code § 13897.3
Legislative Findings and Declaration	Pen. Code § 13897
VICTIMS RIGHTS	
Absence of Criminal Charges- ADR for Misdemeanor Offenses	Pen. Code § 14150, et seq.
Attendance at Criminal Proceedings	Pen. Code §§ 679.02, 679.03, 679.05
Attendance & Participation at Sentencing Hearing	Pen. Code §§ 679.02, 1191.1
Civil Recovery and Victim Compensation	Pen. Code § 1191.2
Confidentiality of Address of Sex Assault Victim	Evid § 352.1
Definitions (Crime, Victims, Witness)	Pen. Code § 679.01
Disposition of Criminal Case Expeditiously	Pen. Code §§ 679.02(a)(10), 1050(a)
• Impact Statement and Victim's Attendance,	Pen. Code § 1191.1
• Minor's Attendance with Parents/Guardians	Pen. Code § 1191.15
Juvenile	Welf. & Inst. Code §§ 656.2, 706
Notice to Victim:	
• Change of Plea Bargaining to Victim DA	Pen. Code § 679.02(a)(12)
• Compensation Program by Law Enforcement	Govt § 13962(b)
• Conviction of Certain Crimes	Pen. Code § 679.02(13)
• Disposition of Defendant's Case	Pen. Code §§ 679.02, 11116.10, Welf. & Inst. Code § 742
• Impact Statement (VIS)	Welf. & Inst. Code § 656.2(a), (c), 18 U.S.C.A. § 3771
• DNA Results for Sexual Assault Victim	Pen. Code § 680
• In-Custody Defendant Informant: Lighter Sentence in Exchange for Testimony in Another Case	Pen. Code § 1191.25
• Defendant's Escape	
• Parole Hearing	Pen. Code §§ 679.02, 11155(b)
• Pending Release by Law Enforcement	Pen. Code § 3043, Welf. & Inst. Code § 1767
• Plea Bargaining (Pretrial Disposition) or Probation	Pen. Code § 3058.6
• Right to Civil Recovery	Pen. Code § 679.02(a)(12)(A)
• Reasonable Means Adequate	
• Release	Pen. Code §§ 679.02(8), 1191.2

Topic	Code
• Release from Mental Institution (or next of kin)	Pen. Code §679.02(a)(12)(B)
• Release to Victims of DV or Stalking	Pen. Code §§ 3058.8, 11155; Welf. & Inst. Code §§ 1764.2, 1767
• Services for Battery/Sexual Assault- Provided by Law Enforcement	Pen. Code §1603(a)(3)
• Statutory Rights of Victims & Witnesses	Pen. Code § 646.92
• Witness & Mileage Fees	Pen. Code § 264.2; 42 U.S.C.A. § 10607
• Work Furlough Release	
	Pen. Code § 679.02
	Pen. Code § 679.02(a)(7)
	Pen. Code § 11155(a)
Notice to Officials:	
• Officials of Parole Hearing	Pen. Code § 3042; Welf. & Inst. Code § 1767.1
• Release to Local Law Enforcement	Pen. Code § 3058.6
• Presence of Victim's Family at Preliminary Hearing	Pen. Code § 868
Privacy: Restrictions	Pen. Code § 679.03(c); Veh § 1808.4
Proceeds from Sale of Convicted Felon's Story ("Son of Sam" Law)	Civ § 2225 *overturned by <u>Keenan v. Sup. Ct. of LA</u> 117 Cal Rptr 2d 1, but not repealed
Restitution	Pen. Code § 1202.4; Cal. Const. Art I, § 28, 13; 18 U.S.C.A. § 3771
Return of Stolen Property	Pen. Code §§ 679.02(a)(9), 1409
Right of Witness Not to be Psychologically Examined	Pen. Code § 1112
Sentencing Proceeding Rights	Pen. Code § 1191.1
Statutory Rights of Victims & Witnesses	Pen. Code § 679.02
Support Persons for Victim:	
• Parole Hearing	Pen. Code § 3043.1
• Preliminary & Trial	Pen. Code § 868.5
Sexual Assault	Pen. Code § 679.04; Evid § 1035.2
• Treatment of Victims by Criminal System	Pen. Code § 679
Work Absence for Judicial Proceedings	Labor § 230.2
Victim Statements	
• Parole Hearings	Pen. Code § 3043
Public Safety Determination	Welf. & Inst. Code § 1767
WAIVER, FEE	
Domestic Violence Protective Order	Fam § 6380
• Filing Fee Waivers	Fam § 6222

Topic	Code
Filing Fee Waiver Form	Fam § 6380(g)
• Family Law Orders: Indigent Plaintiff	Govt § 70676
WELFARE & INSTITUTIONS CODE	
<u>Family Violence Option: Domestic Violence and Welfare</u>	
Special provisions for victims of DV	Welf. & Inst. Code §11495
Task force formation; develop protocols for cases involving DV	Welf. & Inst. Code §11495.1
Temporary definitions of abuse	Welf. & Inst. Code §11495.12
Program requirements may be waived for victim of DV	Welf. & Inst. Code §11495.15
Establishing abuse	Welf. & Inst. Code §11495.25
Adoption of model curriculum for DV training for welfare workers	Welf. & Inst. Code §11495.40
Homeless assistance when result of DV; computation of aid amount; payments to pregnant women; special needs; aid must be paid to pregnant minor, whether or not eligible for Cal-Learn; aid would otherwise be paid to pregnant mother in month birth anticipated and 3 months prior	Welf. & Inst. Code §11450
Income and resources used to flee abuser or that controlled by abuser not included in calculation of CalWORKS and CalFresh benefits; sworn statements by victims sufficient to establish abuse	Welf. & Inst. Code §11450.12
County required to waive, with certain exceptions, conditions of eligibility or time limit for good cause from victim of abuse	Welf. & Inst. Code §11495.15
County required to proactively seek information status of DV	Welf. & Inst. Code §11495.45
Non-citizen victims of trafficking, DV, and other serious crimes; access to refugee cash assistance, refugee employment social services	Welf. & Inst. Code §13283
Eligibility criteria	Welf. & Inst. Code §14005.2
<u>Civil Actions for Elder and Dependent Adults</u>	
Elder and dependent adults may obtain protective orders against unrelated abusers; orders may be brought by conservator or other authorized persons; orders subject to warrantless arrest provision; law enforcement service of order	Welf. & Inst. Code §15657.03
Enjoined party prohibited from taking action to obtain protected party or family's location information	Welf. & Inst. Code §15657.04
<u>Services and Benefits for Non-citizen Victims of Trafficking, Domestic Violence, and Other Serious Crimes</u>	
Eligibility requirements	Welf. & Inst. Code §18945
WITNESSES	
Accommodation for Disabled	Pen. Code § 1347.5
Calendar Priority for Material Witnesses: Child, Elderly, Disabled, & in cases of Child Abuse/Sexual Assault	Pen. Code § 1048

Topic	Code
Child/Minor Witness	Pen. Code § 1347
• Molestation Victims: Special Precautions	Pen. Code § 868.8
• Questioning of Child Under Age 10	Evid § 767(b)
• Refusal of Minors to Testify; Contempt	Civ Pro§ 1219.5
• Special Room- Minors under 16	Pen. Code § 868.6
• Testimony by Closed Circuit Television	Pen. Code § 1347
• Videotaped; Preliminary Hearing Testimony	Pen. Code § 1346
Videotaped Testimony	Pen. Code § 1346.1
• Confidentiality of Name/Address	Pen. Code §§ 136.7, 841.5, 1054.2
Disabled Witness: Accommodation- closed circuit TV	Pen. Code § 1347.5
	Labor § 230
Exclusion from Proceedings: Victims	Pen. Code § 1102.6(b)
Intimidation of Witnesses or Victims	Pen. Code § 136.1
Murder of a Witness	Pen. Code § 190.2(a)(10) parts of this statute held unconstitutional by <u>People v. Sanders</u> 273 Cal Rptr 337
Notice of Parole of Violent Felon to Victim or Witness	Pen. Code § 3058.8
Powers of Courts; Contempt	Civ Pro §§ 128, 129
Presence of Victim at Trial	Pen. Code § 1102.6
Protective Orders	Pen. Code § 136.2, H&S § 11573.5
“Rape Shield” Statutes	
• Civil	Evid § 783
Criminal	Evid § 782
• Refusal of Sexual Assault Victim to Testify; Contempt	Civ Pro § 1219
Right of Witness not to Undergo Psychological Examination	Pen. Code § 1112
Subpoena: Motion to Quash, Modify or Limit Subpoena	Civ Pro 1987.1
Support Person at Preliminary Hearing & Trial	Pen. Code § 868.5
Threats of Force Against a Witness, Victim, or Their Families	Pen. Code §§ 139, 140
Victims as Witnesses: Exclusion from Proceedings	Pen. Code § 1102.6(b)
Videotaped Testimony: 15 years & Under; Developmentally Disabled; Sexual Assault	Pen. Code § 1346
Witness Entitlement to Fees and Mileage	Pen. Code §§ 679.02, 1329, 1329.1