


MEMORANDUM

DATE	July 20, 2018
TO	Board of Psychology
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #22(b)(2)(B) – AB 2302 (Baker) Child Abuse: Sexual Assault: Mandated Reporters: statute of limitations

Background:

Under existing law, if a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, it is a continuing offense until discovered by the appropriate law enforcement agency.

This bill would allow a case involving the failure to report an incident known by the mandated reporter to be sexual assault, to be filed at any time within 5 years from the date of occurrence of the offense.

Location: Senate Floor

Status: 07/05/18 – Read second time and amended. Ordered to third reading.

Votes: 06/26/18 – Senate Public Safety (7-0-0)
04/19/18 – Assembly Floor (71-0-7)
04/10/18 – Assembly Committee on Public Safety (6-0-1)

Action Requested:

No action is required. Staff will continue to watch AB 2302 (Baker) as this bill could result in an increase in the number of subsequent arrests the Board's Enforcement Program investigates relating to failure to report an incident of sexual assault.

Attachment A: AB 2302 (Baker) Bill Text

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AB-2302 Child abuse: sexual assault: mandated reporters: statute of limitations. (2017-2018)

SECTION 1. *Section 801.6 of the Penal Code is amended to read:*

801.6. Notwithstanding any other limitation of time described in this chapter, prosecution for any offense proscribed by Section 368, except for a violation of any provision of law proscribing theft or embezzlement, *or for the failure of a mandated reporter to report an incident under Section 11166 known by the mandated reporter to be sexual assault as defined in Section 11165.1,* may be filed at any time within five years from the date of occurrence of such offense.