

# CALIFORNIA STATE BOARD OF PSYCHOLOGY

## BILL ANALYSIS

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**BILL NUMBER:** AB 1775                      **VERSION:** CHAPTER 264, STATUTES OF 2014

**AUTHOR:** MELENDEZ                      **SPONSOR:** CALIFORNIA ASSOCIATION OF  
MARRIAGE AND FAMILY THERAPISTS  
(CAMFT)

**SUBJECT:** CHILD ABUSE AND NEGLECT REPORTING ACT: SEXUAL ABUSE

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**Overview:** Mandated reporters must report suspected child abuse. Child abuse includes sexual abuse, which is defined as sexual assault, or sexual exploitation. This bill adds downloading, streaming, or accessing through electronic or digital media, material in which a child is engaged in an obscene sexual act to the criteria for sexual exploitation and therefore a mandated report under the Child Abuse and Neglect Reporting Act (CANRA).

### **Prior Law:**

- 1) Establishes the CANRA which requires a mandated reporter to make a report in instances in which he or she knows or reasonably suspects that a child has been the victim of child abuse or neglect. (Penal Code (PC) 11164 et seq)
- 2) Defines “sexual abuse” as sexual assault or exploitation, as defined. (PC §11165.1)
- 3) Defines “sexual assault” as consisting of any of the following: rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, or child molestation. (PC §11165.1(a))
- 4) Defines “sexual exploitation” as any of the following (PC §11165.1(c)):
  - a. Conduct involving matter depicting a minor engaged in obscene acts.
  - b. A person knowingly promoting, permitting, or encouraging a child to engage in a live performance involving obscene sexual conduct; and
  - c. A person depicting a child in, or who knowingly develops, duplicates, prints, or exchanges a film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct.

### **New Law:**

- 1) This bill adds “downloading” of a film, photograph, videotape or recording, negative or slide of a child engaged in an obscene sexual act to the definition of sexual exploitation for purposes of mandated reporting under CANRA. (PC §11165.1(c)(3))

### **Comment:**

- 1) **Author’s Intent.** According to the author’s office, CANRA was written before “downloading” of material was a common occurrence, and therefore is not specifically mentioned.

Therefore, CANRA does not specifically require a mandated report for downloading pornography via the internet.

- 2) **Effect on Psychotherapists.** As of 1/1/15 downloading, streaming, or accessing through electronic or digital media, material in which a child is engaged in an obscene sexual act a mandated report under the Child Abuse and Neglect Reporting Act (CANRA). Psychologists will be obliged to report instances where a patient states that he or she has downloaded, streamed, or accessed child pornography. New language in red;

(c) "Sexual exploitation" refers to any of the following:...

(3) A person who depicts a child in, or who knowingly develops, duplicates, prints, **downloads, streams, accesses through any electronic or digital media**, or exchanges, a film, photograph, videotape, **video recording**, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3. (PC §11165.1(c)(3))

- 3) **Support and Opposition.**

*Support listed in 6/25/14 Senate Floor Analysis:*

California Association of Marriage and Family Therapists (Sponsor)  
Board of Behavioral Sciences  
California District Attorneys Association  
California Psychological Association  
California State Sheriffs' Association  
Child Abuse Prevention Center  
Los Angeles District Attorney's Office

- 4) **History**

**2014**

08/22/14 Chaptered by Secretary of State - Chapter 264, Statutes of 2014.

08/22/14 Approved by the Governor.

08/13/14 Enrolled and presented to the Governor at 11:30 a.m.

08/07/14 Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 78. Noes 0. Page 5901.).

07/03/14 In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 1 pursuant to Assembly Rule 77.

07/03/14 Read third time. Passed. Ordered to the Assembly. (Ayes 35. Noes 0. Page 4256.).

06/25/14 Ordered to special consent calendar.

06/24/14 Read second time. Ordered to third reading.

06/23/14 From committee: Be placed on second reading file pursuant to Senate Rule 28.8.

06/10/14 From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (June 10). Re-referred to Com. on APPR.

05/13/14 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on PUB. S.

05/08/14 Referred to Com. on PUB. S.

04/24/14 In Senate. Read first time. To Com. on RLS. for assignment.

04/24/14 Read third time. Passed. Ordered to the Senate.

04/10/14 Read second time. Ordered to consent calendar.

04/09/14 From committee: Do pass. To consent calendar. (Ayes 17. Noes 0.) (April 9).

03/26/14 From committee: Do pass and re-refer to Com. on APPR. with recommendation: to consent calendar. (Ayes 7. Noes 0.) (March 25). Re-referred to Com. on APPR.  
03/20/14 Re-referred to Com. on PUB. S.  
03/20/14 Measure version as amended on March 19 corrected.  
03/19/14 From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.  
02/27/14 Referred to Com. on PUB. S.  
02/19/14 From printer. May be heard in committee March 21.  
02/18/14 Read first time. To print.