



May 22, 2014

The Honorable Cristina Garcia
California State Assembly
State Capitol, Room 5164
Sacramento, CA 95814

RE: AB 1505 – Oppose Unless Amended

Dear Assembly Member Garcia:

The Board of Psychology (Board) has taken an “oppose unless amended” position on AB 1505.

The Board is concerned that the most recent version of the bill does not resolve the lack of clarity in current law as effectively as the previous version of the bill did. The previous version of the bill would have clarified for mandated reporters that consensual sodomy or oral copulation among two minors, including those under age 16, is not reportable as sexual assault under the Child Abuse and Neglect Reporting Act (CANRA).

The current version of the bill still clarifies that consensual sodomy or oral copulation among two 16 or 17 year olds, is not reportable as sexual assault under CANRA. However, the current version of the bill actually codifies that consensual sodomy or oral copulation among two minors under 16, (for example, two 14 or 15-year olds, or a 16 and 15 year old) is a mandated report of sexual assault under CANRA. This is in conflict with existing case law and a recent DCA legal opinion conducted by the Board of Behavioral Sciences.

The Board’s desire is that a psychologist be allowed to determine if sodomy or oral copulation among two individuals, of like age is abusive and reportable or non-abusive and non-reportable. The current version of the bill does not accomplish said objective. The initial version of the Bill was clearer in fulfilling the intent of the Board in clearing up the mandated reporting requirements of CANRA.

If you would like to discuss the Board’s position, please feel free to contact the Board’s Administrative Coordinator, Jonathan Burke, at (916) 574-7137.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole J. Jones".

NICOLE J. JONES
Chair, Policy and Advocacy Committee
Board of Psychology

cc:

Board Members

Tracy Rhine, Deputy Director, Legislative and Policy Review, Department of Consumer Affairs