

## Attention State Board of Psychology Stakeholders:

Assembly Bill 1775 (Melendez, Chapter 264, Statutes of 2014) was signed by the Governor and became effective January 1, 2015. This notice explains the changes and how they may affect you.

Currently, as a mandated reporter under the Child Abuse and Neglect Reporting Act (CANRA), the law requires a psychologist to report to the appropriate authorities suspected child abuse or neglect, which includes sexual abuse. Sexual abuse includes sexual exploitation, and includes a person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, a film, photograph, videotape, negative, or slide in which a child is engaged in an act of obscene sexual conduct.

### **Changes**

This law adds *downloading, streaming, or accessing through any electronic or digital media* the subject matter through any of the listed media, and adds *video recording*, to the definition of sexual exploitation for purposes of mandated reporting.

### **Changes for patients:**

- Your psychologist is obliged under the law to report to the appropriate authorities any instance where you disclose that you have accessed, streamed, or downloaded material where a child is engaged in an obscene sexual act.

### **Changes for psychologists:**

- Psychologists are obliged to report instances where a patient states that he or she has downloaded, streamed, or accessed through any electronic or digital media depictions in which a child is engaged in an act of obscene sexual conduct.

### **Amended Language**

Specifically, section 11165.1(c) of the Penal Code is amended as shown:

11165.1. As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

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

(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

(2) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a

live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

(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.