

CALIFORNIA ASSOCIATION OF ANGER MANAGEMENT PROVIDERS PROPOSAL FOR LEGISLATIVE APPROVAL

An act to amend California Penal Code Section 240 to 243 of the Government Code, relating to battery.

This amendment is introduced by _____.

Existing law authorizes a court and/or county probation department to recommend services for battery but not anger management services. Existing law requires fine for batterer's program but anger management is left out. This amendment rectifies the law to include anger management services as another separate service for battery charges and is not considered part of the batterer's fifty two week program.

LEGISLATIVE PROPOSAL FOR CAAMP

THIS LEGISLATIVE PROPOSAL IS SUBMITTED TO THE PEOPLE IN ACCORDANCE WITH THE PROVISIONS OF CALIFORNIA PENAL CODE SECTION 240-248 OF THE CALIFORNIA CONSTITUTION.

THIS INITIATIVE MEASURE AMENDS AND ADDS SECTIONS TO THE PENAL CODE; THEREFORE, EXISTING PROVISIONS PROPOSED TO BE ADDED ARE PRINTED IN UNDERLINE TYPE TO INDICATE THAT THEY ARE NEW.

PROPOSED LAW

240. (a) AN ASSAULT IS PUNISHABLE BY A FINE NOT EXCEEDING ONE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL NOT EXCEEDING SIX MONTHS, OR BY BOTH THE FINE AND IMPRISONMENT.

** (b) AN ASSAULT OF ANGER BE A FINE OF ONE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL NOT EXCEEDING SIX MONTHS, OR BY COURT ORDER/PROBATION ORDER TO ATTEND ANGER MANAGEMENT INTERVENTION/PREVENTION CLASSES FOR NO LESS THAN SIX MONTHS OR UP TO TWELVE MONTHS FOR A SUBSEQUENT OFFENSE, OR ALL THREE.

** (c) ANGER MANAGEMENT CLASSES MUST BE GIVEN BY CERTIFIED ANGER MANAGEMENT FACILITATORS WHO ARE MEMBERS IN GOOD STANDING WITH THE CALIFORNIA ASSOCIATION OF ANGER MANAGEMENT PROVIDERS AND MEMBERS OF THE NATIONAL ASSOCIATION OF ANGER MANAGEMENT PROVIDERS.

** (d) AN ASSAULT OF ANGER (RESULTING IN COURT ORDERED/PROBATION ORDERED CLASSES) MEANS, ANY PERSON WHO WILLFULLY AND MALICIOUSLY PERPETRATES VERBAL, PHYSICAL, EMOTIONAL, PSYCHOLOGICAL, FINANCIAL, PET, ATTACKS TOWARDS ANOTHER PERSON OR PROPERTY THROUGH WORDS, INTIMIDATION, COERCE, PHYSICAL ACTS OF AGRESSION OR RETALIATION.

242. AN ASSAULT OF ANGER IS ANY WILLFUL AND UNLAWFUL USE OF FORCE OR VIOLENCE UPON THE PERSON OF ANOTHER.

243. (a) AN ASSAULT OF ANGER (OR SENTENCED ANGER PERPETRATOR) IS PUNISHABLE BY A FINE NOT EXCEEDING TWO THOUSAND DOLLARS, OR BY IMPRISONMENT IN A COUNTY JAIL NOT EXCEEDING SIX MONTHS, OR BY BOTH THAT FINE AND IMPRISONMENT, OR ORDERED TO A MANDATED CALIFORNIA ASSOCIATION OF ANGER MANAGEMENT PROVIDER FOR ANGER INTERVENTION/PREVENTION SERVICES, OR ALL THREE.

*** (B) (1) WHEN A BATTERY IS COMMITTED AGAINST A SPOUSE, A PERSON WITH WHOM THE DEFENDANT IS COHABITING, A PERSON WHO IS THE PARENT OF THE DEFENDANT'S CHILD, FORMER SPOUSE, FIANCE', OR FIANCEE', OR A PERSON WITH WHOM THE DEFENDANT CURRENTLY HAS, OR HAS PREVIOUSLY HAD, A DATING OR ENGAGEMENT RELATIONSHIP, OR IN A WORK ENVIRONMENT, OR COMES IN CONTACT WITHIN ANY CIRCUMSTANCE WHERE THEY NEED ANGER MANAGEMENT SERVICES, THE BATTERY, WHETHER VERBAL, PHYSICAL, PSYCHOLOGICAL, EMOTIONAL, PET, FINANCIAL, IS PUNISHABLE BY A FINE NOT EXCEEDING TWO THOUSAND DOLLARS, OR BY IMPRISONMENT IN A COUNTY JAIL FOR A PERIOD OF NOT MORE THAN ONE YEAR, OR BY COURT/PROBATION ORDER TO A CALIFORNIA ASSOCIATION OF ANGER MANAGEMENT PROVIDER IN GOOD STANDING, OR ALL THREE. IF PROBATION IS GRANTED, OR THE EXECUTION OF IMPOSITION OF THE SENTENCE IS SUSPENDED, IT SHALL BE A CONDITION THEREOF THAT THE DEFENDANT PARTICIPATE IN, FOR NO LESS THAN SIX MONTHS, AND SUCCESSFULLY COMPLETE AN APPROVED ANGER MANAGEMENT EDUCATIONAL PROGRAM. IF NONE IS AVAILABLE, ANOTHER APPROPRIATE EDUCATIONAL METHOD BE DESIGNATED BY THE COURT FOR ANGER MANAGEMENT INTERVENTION BY A CALIFORNIA ASSOCIATION OF ANGER MANAGEMENT APPROVED PROVIDER. HOWEVER, THIS PROVISION SHALL NOT BE CONSTRUED AS REQUIRING A CITY, A COUNTY, OR A CITY AND COUNTY TO PROVIDE A NEW PROGRAM OR HIGHER LEVEL OF SERVICE AS CONTEMPLATED BY SECTION 6 OF ARTILCLE XIII B OF THE CALIFORNIA CONSTITUTION.

** (2) UPON CONVICTION OF A VIOLATION OF THIS SUBDIVISION, IF PROBATION IS GRANTED, THE CONDITIONS OF PROBATION MAY INCLUDE, IN LIEU OF A FINE, ONE OR BOTH OF THE FOLLOWING REQUIREMENTS:

(A) THAT THE DEFENDANT MAKE PAYMENTS TO VICTIMS OF CRIME FUND, AND/OR

(B) THAT THE DEFENDANT REIMBURSE THE VICTIM FOR REASONABLE COSTS OF COUNSELING AND OTHER REASONABLE EXPENSES THAT THE COURT FINDS ARE THE DIRECT RESULT OF THE DEFENDANT'S OFFENSE.

***(C) THAT THE DEFENDANT BE MANDATED TO AN APPROVED CALIFORNIA ASSOCIATION OF ANGER MANAGEMENT PROVIDERS AGENCY FOR EDUCATION NOT TO BE LESS THAN SIX MONTHS AND NOT TO EXCEED TWELVE MONTHS AND MUST COMPLETE IT SUCCESSFULLY.

(D) FUNDS FOR OVERSEEING BODY WILL BE COLLECTED FROM ANGER MANAGEMENT PROVIDERS ON AN ANNUAL BASIS. AS A RESULT, THERE WILL BE NO COST ASSOCIATED WITH THE ADMINISTRATION AND MONITORING UNDER THIS LEGISLATION TO STATE, COUNTY, CITIES, AND SCHOOL DISTRICTS.