

AMENDED IN ASSEMBLY APRIL 20, 2017

AMENDED IN ASSEMBLY APRIL 6, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1495**

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**Introduced by Assembly Member Maienschein**  
*(Coauthor: Assembly Member Steinorth)*

February 17, 2017

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An act to add Section 1708.5.6 to the Civil Code, and to amend Section 6380 of the Family Code, relating to sexual abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 1495, as amended, Maienschein. Civil liability: sexual abuse: children.

Existing civil law requires every person to abstain from injuring another and makes a person who commits a sexual battery, as defined, upon another liable to that person for specified damages.

This bill would impose civil liability and specific penalties upon a person over the age of majority who, in exchange for property or money, commits an act that would violate certain criminal provisions pertaining to sexual acts upon a child, solicitation of a child, or aiding or abetting in one of these acts. The bill would ~~make such a person liable to any~~ *authorize a* victim of the ~~violation, unlawful act,~~ his or her parent or guardian, or guardian ad ~~litem,~~ and the Attorney General, a district attorney, or a city attorney of a city with a population of 750,000 or more. The bill would provide for ~~injunctive and other equitable relief, and would establish civil penalties of up to \$50,000 but not less than \$10,000 per unlawful act, in accordance with certain criteria. The bill would provide for reasonable costs and attorney's fees.~~ *litem to bring*

*an action for civil penalties, damages, injunctive relief, equitable remedies, and for the cost of the suit and reasonable attorney's fees, as specified. The bill would require, if the victim is under 21 years of age, and the action results in a monetary award, for that award to be held in trust for the victim, and used exclusively for the victim's benefit in accordance with certain procedures. The bill also would require the court, if the parties seek to settle the action, to either affirm, modify, or reject the settlement, subject to first providing notice of the proposed settlement to the Attorney General within a certain timeframe. The bill would require the victim, victim's parent, guardian, or guardian ad litem, if the action is dismissed or subject to final judgment, to submit to the Attorney General a report that includes the results of the action or its final disposition.*

~~The bill would additionally require, if a victim or a victim's parent, guardian, or guardian ad litem is awarded money, that the money be held in trust for a victim under 21 years of age in accordance with specified procedures, and would require the court to retain jurisdiction over the trust to monitor compliance with its terms.~~

*The bill would authorize a public prosecutor, as defined, to bring an action on behalf of a victim or victims if the victim or his or her parent, guardian, or guardian ad litem has not brought an action, and if specified notice provisions and other criteria are satisfied.*

The bill would require, in an action brought by the Attorney General, a district attorney, or a city attorney resulting in civil penalties or disgorgement of revenue obtained from the unlawful acts, that restitution be provided to the victim and then that 80% of those penalties or disgorgement be paid into a special fund to be used to provide assistance to minor victims, and the remaining 20% be payable to the prevailing public prosecutor's office to be used for monitoring, investigation, and prosecution of the sexual abuse of children.

The bill would also specify procedures by which the court may issue temporary restraining or protective orders in an action brought pursuant to these provisions.

Existing law requires counties to transmit specific data concerning protective and domestic violence orders electronically through the California Law Enforcement Telecommunications System to the Department of Justice. Under existing law, upon issuance of a protective order, issuance of a temporary restraining order or injunction relating to harassment, unlawful violence, or the threat of violence under specified provisions, the Department of Justice is required to be

immediately notified of the contents of the order, including certain information, including the name, race, date of birth, and other personal descriptive information of the respondent and the names of the protected persons.

This bill also would require notification of the issuance of a restraining order pertaining to sexual abuse of a child, as specified.

By imposing new duties on local government agencies and expanding the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1708.5.6 is added to the Civil Code, to  
2 read:  
3 1708.5.6. (a) ~~It is unlawful for any person over the age of~~  
4 ~~majority who, in exchange for property or money, commits any~~  
5 ~~of the following acts, shall be liable as specified in subdivisions~~  
6 ~~(b) and (c): majority, in exchange for property or money, to commit~~  
7 ~~any of the following acts:~~  
8 (1) ~~Commits an act that would violate~~ *Violate* Section 261.5,  
9 265, or 266 of the Penal Code, pertaining to sexual acts upon a  
10 child, including, but not limited to, rape, abduction, carnal abuse,  
11 or lewd behavior pursuant to Section 288 of the Penal Code.  
12 (2) ~~Solicits~~ *Solicit* a child for a purpose in violation of paragraph  
13 (1), or pursuant to Section 647 of the Penal Code.  
14 (3) ~~Aids~~ *Aid* or ~~abets~~ *abet* in the commission of acts that would  
15 violate paragraph (1) or (2).  
16 ~~(b) A person who commits an act pursuant to subdivision (a)~~  
17 ~~shall be liable to any victim of that violation, to his or her parent,~~

1 ~~guardian, or guardian ad litem, as specified in this subdivision as~~  
2 ~~follows:~~

3 ~~(b) (1) A victim of any unlawful act provided in subdivision~~  
4 ~~(a), or his or her parent, guardian, or guardian ad litem, may~~  
5 ~~bring a civil action for civil penalties, damages, injunctive relief,~~  
6 ~~equitable remedies, and for the cost of suit and reasonable~~  
7 ~~attorney’s fees, as specified in this subdivision as follows:~~

8 ~~(1)~~  
9 ~~(A) Civil penalties awarded by the court not exceeding fifty~~  
10 ~~thousand dollars (\$50,000) though not less than ten thousand~~  
11 ~~dollars (\$10,000) for each unlawful act.~~

12 ~~(2)~~  
13 ~~(B) Damages, including, but not limited to, medical and~~  
14 ~~counseling expenses, and lost current and future wages, wages,~~  
15 ~~and reasonable relocation costs to permit the plaintiff to locate a~~  
16 ~~safe environment.~~

17 ~~(3) Reasonable relocation costs to permit the plaintiff to locate~~  
18 ~~a safe environment.~~

19 ~~(C) Injunctive relief.~~

20 ~~(4)~~  
21 ~~(D) Equitable relief, including, but not limited to, restitution,~~  
22 ~~disgorgement of revenue obtained through the acts in violation of~~  
23 ~~this section, and injunctions. section.~~

24 ~~(5)~~  
25 ~~(E) Reasonable attorney’s fees and costs.~~

26 ~~(6) In any case brought pursuant to this section in which a~~  
27 ~~victim, his or her parent, guardian, or guardian ad litem is awarded~~  
28 ~~money, it shall be used exclusively for the benefit of the victim~~  
29 ~~and held in trust for the victim if the victim is under 21 years of~~  
30 ~~age at the time of final judgment. The trust shall expire and any~~  
31 ~~unspent remainder shall be the sole property of the victim when~~  
32 ~~he or she reaches 21 years or age or is emancipated. The court~~  
33 ~~shall, with the advice of the victim, appoint a trustee and retain~~  
34 ~~jurisdiction over the trust until the victim reaches 21 years of age~~  
35 ~~or is emancipated in order to monitor compliance with these~~  
36 ~~provisions. The trustee shall not be compensated from the trust.~~

37 ~~(e) The Attorney General, a district attorney, or a city attorney~~  
38 ~~of a city with a population of 750,000 or more may also bring suit~~  
39 ~~against a person who commits an act pursuant to subdivision (a)~~  
40 ~~on behalf of a victim or victims unless the awarding of damages~~

1 ~~would duplicate restitution, damages, or similar relief for the same~~  
2 ~~act that has been awarded previously.~~

3 (2) (A) *If the victim is under 21 years of age, and the action*  
4 *results in a monetary award, the award shall be held in trust for*  
5 *the victim and used exclusively for the benefit and well-being of*  
6 *the victim.*

7 (B) *The court shall, with the advice of the victim, appoint a*  
8 *trustee and retain jurisdiction over the trust until the victim reaches*  
9 *21 years of age or is emancipated in order to monitor compliance*  
10 *with these provisions. The trustee shall not be compensated from*  
11 *the trust.*

12 (C) *When the victim reaches 21 years of age or is emancipated,*  
13 *the trust shall expire and any unspent remainder shall be the sole*  
14 *property of the victim.*

15 (3) (A) *If the parties seek to settle the action, the court shall*  
16 *either affirm, modify, or reject the settlement. The court shall not*  
17 *affirm the settlement unless the Attorney General has been given*  
18 *notice of the proposed settlement at least 30 days before the court*  
19 *affirms, modifies, or rejects the settlement. The Attorney General*  
20 *may object to the proposed settlement on grounds that the*  
21 *settlement is collusive, and may request that the settlement be*  
22 *modified upon a court hearing.*

23 (B) *If the action is dismissed, or is subject to a final judgment,*  
24 *the victim, parent, guardian, or guardian ad litem shall submit to*  
25 *the Attorney General a report in the form prescribed by the*  
26 *Attorney General that includes the results of the action or the final*  
27 *disposition of the case.*

28 (c) (1) *If a victim or his or her parent, guardian, or guardian*  
29 *ad litem has not brought an action described in subdivision (b), a*  
30 *public prosecutor may bring the action on behalf of a victim or*  
31 *victims if all of the following applies:*

32 (A) *The public prosecutor has notified or attempted to notify*  
33 *the victim, or his or her parent, guardian, or guardian ad litem of*  
34 *the public prosecutor's intent to file the action.*

35 (B) *The action brought by the public prosecutor does not seek*  
36 *to obtain relief already being sought or obtained in the action*  
37 *brought by the victim or his or her parent, guardian, or guardian*  
38 *ad litem pursuant to subdivision (b).*

39 (C) *Another public prosecutor has not already brought the*  
40 *action.*

1     ~~(1)~~

2     (2) In an action by the Attorney General that results in a  
3 monetary award, the award shall be distributed, as follows:

4     (A) Restitution, if any, shall be allocated to the victim or victims  
5 and shall be disbursed to the victim or victims subject to paragraph  
6 ~~(6)~~ (2) of subdivision (b).

7     (B) Eighty percent of civil penalties or disgorgement collected  
8 by the Attorney General shall be paid into a special fund  
9 maintained by the office of the Attorney General that shall be used  
10 exclusively to provide assistance to minor victims who would be  
11 eligible to bring an action pursuant to this section, and with priority  
12 funding for programs providing a safe and secure location that is  
13 not a juvenile detention center where victims will be separated  
14 from those who may have facilitated their commercial sexual  
15 exploitation. Moneys deposited in the special fund pursuant to this  
16 paragraph shall not be used to supplant existing federal, state, or  
17 county funds, and shall be supplemental to existing appropriations  
18 and benefits otherwise applicable.

19     (C) The remaining 20 percent of the civil penalties or  
20 disgorgement shall be payable to the office of the Attorney General  
21 to be used for the monitoring, investigation, and prosecution of  
22 the sexual abuse of children.

23     ~~(2)~~

24     (3) In an action by a district attorney or a city attorney that  
25 results in a monetary award, the award shall be distributed, as  
26 follows:

27     (A) Restitution, if any, shall be allocated to the victim or victims  
28 and shall be disbursed to the victim or victims subject to paragraph  
29 ~~(6)~~ (2) of subdivision (b).

30     (B) Eighty percent of civil penalties or disgorgement collected  
31 by district attorneys or city attorneys shall be paid into a special  
32 fund maintained by the city or county that brought the action. The  
33 special fund shall be used exclusively to provide assistance to  
34 minor victims who would be eligible to bring an action pursuant  
35 to this section, and with priority funding for programs providing  
36 a safe and secure location that is not a juvenile detention center  
37 where victims will be separated from those who may have  
38 facilitated their commercial sexual exploitation. Moneys deposited  
39 in the special fund pursuant to this paragraph shall not be used to  
40 supplant existing federal, state, or county funds, and shall be

1 supplemental to existing appropriations and benefits otherwise  
2 applicable.

3 (C) The remaining 20 percent of the civil penalties or  
4 disgorgement shall be payable to the prevailing public prosecutor  
5 office to be used for the monitoring, investigation, and prosecution  
6 of the sexual abuse of children.

7 ~~(d) Nothing in this section shall be construed to alter or amend~~  
8 ~~Section 261.5 of the Penal Code.~~

9 ~~(e) If the age of the victim at the time the unlawful acts were~~  
10 ~~committed as set forth in subdivision (a) was under 18 years of~~  
11 ~~age, knowledge~~

12 (4) (A) *If a public prosecutor has brought an action described*  
13 *in subdivision (c), a victim, or his or her parent, guardian, or*  
14 *guardian ad litem, shall not file an action based on subdivision*  
15 *(a) until after the public prosecutor's action has been settled or*  
16 *been subject to a final judgment. However, such an action may*  
17 *not seek relief already sought in the action brought by the public*  
18 *prosecutor.*

19 (B) *Nothing in this section prohibits a victim, his or her parent,*  
20 *guardian, or guardian ad litem from intervening in the action*  
21 *brought by the public prosecutor. However, the remedies will be*  
22 *distributed according to this subdivision.*

23 (d) *In a civil action brought under subdivision (b) or (c),*  
24 *knowledge of the victim's status as a minor shall be presumed but*  
25 *may be rebutted by a preponderance of the evidence. If the age of*  
26 *the victim was under 14 years of age, that presumption must be*  
27 *rebutted by clear and convincing evidence.*

28 ~~(f) For good cause showing, the court may issue temporary~~  
29 ~~restraining orders or protective orders in any action brought under~~  
30 ~~to this section pursuant to Part 4 (commencing with Section 6300)~~  
31 ~~of Division 10 of the Family Code. If the child who is to be~~  
32 ~~protected is the subject of a petition filed pursuant to Section 300,~~  
33 ~~601, or 602 of the Welfare and Institutions Code, the petition for~~  
34 ~~a restraining order shall be initially sought from that court, who~~  
35 ~~may accept jurisdiction at his or her option, or defer to the superior~~  
36 ~~court judge receiving the Section 1708.5.6 pleading. The alleged~~  
37 ~~victim shall be permitted to have a support person, pursuant to~~  
38 ~~Section 6303 of the Family Code, present at any hearing for the~~  
39 ~~issuance of a restraining order.~~

1     ~~(g) Actions pursuant to this section may be brought by a victim,~~  
2     ~~parent, guardian, or guardian ad litem, pursuant to this section, if~~  
3     ~~both of the following requirements are met:~~

4     ~~(1) Neither the Attorney General, a district attorney, nor a city~~  
5     ~~attorney has commenced and is actively prosecuting an action~~  
6     ~~against the same defendant or defendants pursuant to this section.~~

7     ~~(2) The victim, parent, guardian, or guardian ad litem bringing~~  
8     ~~the action notifies the Attorney General, district attorney, and city~~  
9     ~~attorney, as appropriate, that the action will be filed at least 10~~  
10    ~~days before filing.~~

11    ~~(h) Actions pursuant to this section may be brought by the~~  
12    ~~Attorney General, a district attorney, or a city attorney if neither~~  
13    ~~the victim, parent, guardian, or guardian ad litem has commenced~~  
14    ~~an action pursuant to this section and its office is actively~~  
15    ~~prosecuting an action against the same defendant pursuant to this~~  
16    ~~section seeking the same relief.~~

17    ~~(i) A victim, parent, guardian, or guardian ad litem shall, after~~  
18    ~~the action or violation is subject either to a settlement or to a~~  
19    ~~judgment, submit to the Attorney General a report in a form~~  
20    ~~prescribed by the Attorney General that includes the results of that~~  
21    ~~settlement or judgment and the final disposition of the case, even~~  
22    ~~if it is dismissed. The Attorney General shall have the right within~~  
23    ~~30 days of receiving the notice of a settlement to object to the~~  
24    ~~settlement as collusive and may request modifications to such~~  
25    ~~settlements at a hearing set for such purpose. The court shall affirm,~~  
26    ~~modify, or reject the settlement.~~

27    ~~(j) If testimony of the child victim is required, the child victim~~  
28    ~~shall be permitted to have a support person, pursuant to Section~~  
29    ~~6303 of the Family Code, and shall be eligible for child victim~~  
30    ~~services relevant to his or her testimony provided by Section 264.2~~  
31    ~~of the Penal Code. In addition or in the alternative, those witnesses~~  
32    ~~may be subject to the care and protection of Section 1347.1 of the~~  
33    ~~Penal Code in the delivery of their testimony in proceedings~~  
34    ~~pursuant to this section.~~

35    ~~(e) If testimony of the child victim is required in a civil action~~  
36    ~~brought under subdivision (b) or (c), the child victim shall be~~  
37    ~~permitted to have a support person, pursuant to Section 6303 of~~  
38    ~~the Family Code, and shall be eligible for child victim services~~  
39    ~~relevant to his or her testimony provided by Section 264.2 of the~~  
40    ~~Penal Code. In addition or in the alternative, those witnesses may~~



1 *be subject to the care and protection of Section 1347.1 of the Penal*  
2 *Code in the delivery of their testimony in proceedings pursuant to*  
3 *this section.*

4 *(f) (1) (A) If a victim of any unlawful act provided in*  
5 *subdivision (a) is the subject of a petition filed pursuant to Section*  
6 *300, 601, or 602 of the Welfare and Institutions Code, the juvenile*  
7 *court that retains jurisdiction may, on its own motion, after a good*  
8 *cause showing, issue a temporary restraining order or protective*  
9 *order for the victim pursuant to Section 213.5 of the Welfare and*  
10 *Institutions Code.*

11 *(B) Notwithstanding Section 213.5 of the Welfare and*  
12 *Institutions Code, if a victim of any unlawful act provided in*  
13 *subdivision (a) is not the subject of a petition filed pursuant to*  
14 *Section 300, 601, or 602 of the Welfare and Institutions Code, the*  
15 *court may, on its own motion, after a good cause showing, issue*  
16 *a temporary restraining order or protective order for the victim*  
17 *pursuant to Part 4 (commencing with Section 6300) of Division*  
18 *10 of the Family Code.*

19 *(C) If the juvenile court does not issue a temporary restraining*  
20 *order, the court may enter a temporary restraining order or*  
21 *protective order for the alleged victim pursuant to subparagraph*  
22 *(B).*

23 *(2) A temporary restraining order or protective order issued*  
24 *pursuant to paragraph (1) does not require a showing of a*  
25 *qualifying relationship.*

26 *(3) The alleged victim shall be permitted to have a support*  
27 *person, pursuant to Section 6303 of the Family Code, present at*  
28 *any hearing for the issuance of a restraining order.*

29 *(g) This section does not alter or affect Section 261.5 of the*  
30 *Penal Code.*

31 *(h) For purposes of this section, “public prosecutor” means*  
32 *the Attorney General, a district attorney, or a city attorney of a*  
33 *city with a population of 750,000 or more.*

34 **SEC. 2.** Section 6380 of the Family Code is amended to read:

35 6380. (a) Each county, with the approval of the Department  
36 of Justice, shall, by July 1, 1996, develop a procedure, using  
37 existing systems, for the electronic transmission of data, as  
38 described in subdivision (b), to the Department of Justice. The  
39 data shall be electronically transmitted through the California Law  
40 Enforcement Telecommunications System (CLETS) of the

1 Department of Justice by law enforcement personnel, or with the  
2 approval of the Department of Justice, court personnel, or another  
3 appropriate agency capable of maintaining and preserving the  
4 integrity of both the CLETS and the Domestic Violence Restraining  
5 Order System, as described in subdivision (e). Data entry is  
6 required to be entered only once under the requirements of this  
7 section, unless the order is served at a later time. A portion of all  
8 fees payable to the Department of Justice under subdivision (a) of  
9 Section 1203.097 of the Penal Code for the entry of the information  
10 required under this section, based upon the proportion of the costs  
11 incurred by the local agency and those incurred by the Department  
12 of Justice, shall be transferred to the local agency actually  
13 providing the data. All data with respect to criminal court protective  
14 orders issued, modified, extended, or terminated under subdivision  
15 (g) of Section 136.2 of the Penal Code, and all data filed with the  
16 court on the required Judicial Council forms with respect to  
17 protective orders, including their issuance, modification, extension,  
18 or termination, to which this division applies pursuant to Section  
19 6221, shall be transmitted by the court or its designee within one  
20 business day to law enforcement personnel by either one of the  
21 following methods:

22 (1) Transmitting a physical copy of the order to a local law  
23 enforcement agency authorized by the Department of Justice to  
24 enter orders into CLETS.

25 (2) With the approval of the Department of Justice, entering the  
26 order into CLETS directly.

27 (b) Upon the issuance of a protective order to which this division  
28 applies pursuant to Section 6221, or the issuance of a temporary  
29 restraining order or injunction relating to harassment, unlawful  
30 violence, or the threat of violence pursuant to Section 527.6, 527.8,  
31 or 527.85 of the Code of Civil Procedure, or the issuance of a  
32 restraining order pursuant to Section 1708.5.6 of the Civil Code,  
33 or the issuance of a criminal court protective order under  
34 subdivision (g) of Section 136.2 of the Penal Code, or the issuance  
35 of a juvenile court restraining order related to domestic violence  
36 pursuant to Section 213.5, 304, or 362.4 of the Welfare and  
37 Institutions Code, or the issuance of a protective order pursuant  
38 to Section 15657.03 of the Welfare and Institutions Code, or upon  
39 registration with the court clerk of a domestic violence protective  
40 or restraining order issued by the tribunal of another state, as

1 defined in Section 6401, and including any of the foregoing orders  
2 issued in connection with an order for modification of a custody  
3 or visitation order issued pursuant to a dissolution, legal separation,  
4 nullity, or paternity proceeding the Department of Justice shall be  
5 immediately notified of the contents of the order and the following  
6 information:

7 (1) The name, race, date of birth, and other personal descriptive  
8 information of the respondent as required by a form prescribed by  
9 the Department of Justice.

10 (2) The names of the protected persons.

11 (3) The date of issuance of the order.

12 (4) The duration or expiration date of the order.

13 (5) The terms and conditions of the protective order, including  
14 stay-away, no-contact, residency exclusion, custody, and visitation  
15 provisions of the order.

16 (6) The department or division number and the address of the  
17 court.

18 (7) Whether or not the order was served upon the respondent.

19 (8) The terms and conditions of any restrictions on the ownership  
20 or possession of firearms.

21 All available information shall be included; however, the inability  
22 to provide all categories of information shall not delay the entry  
23 of the information available.

24 (c) The information conveyed to the Department of Justice shall  
25 also indicate whether the respondent was present in court to be  
26 informed of the contents of the court order. The respondent's  
27 presence in court shall provide proof of service of notice of the  
28 terms of the protective order. The respondent's failure to appear  
29 shall also be included in the information provided to the  
30 Department of Justice.

31 (d) (1) Within one business day of service, any law enforcement  
32 officer who served a protective order shall submit the proof of  
33 service directly into the Department of Justice Domestic Violence  
34 Restraining Order System, including his or her name and law  
35 enforcement agency, and shall transmit the original proof of service  
36 form to the issuing court.

37 (2) Within one business day of receipt of proof of service by a  
38 person other than a law enforcement officer, the clerk of the court  
39 shall submit the proof of service of a protective order directly into  
40 the Department of Justice Domestic Violation Restraining Order

1 System, including the name of the person who served the order.  
2 If the court is unable to provide this notification to the Department  
3 of Justice by electronic transmission, the court shall, within one  
4 business day of receipt, transmit a copy of the proof of service to  
5 a local law enforcement agency. The local law enforcement agency  
6 shall submit the proof of service directly into the Department of  
7 Justice Domestic Violence Restraining Order System within one  
8 business day of receipt from the court.

9 (e) The Department of Justice shall maintain a Domestic  
10 Violence Restraining Order System and shall make available to  
11 court clerks and law enforcement personnel, through computer  
12 access, all information regarding the protective and restraining  
13 orders and injunctions described in subdivision (b), whether or not  
14 served upon the respondent.

15 (f) If a court issues a modification, extension, or termination of  
16 a protective order, it shall be on forms adopted by the Judicial  
17 Council of California and that have been approved by the  
18 Department of Justice, and the transmitting agency for the county  
19 shall immediately notify the Department of Justice, by electronic  
20 transmission, of the terms of the modification, extension, or  
21 termination.

22 (g) The Judicial Council shall assist local courts charged with  
23 the responsibility for issuing protective orders by developing  
24 informational packets describing the general procedures for  
25 obtaining a domestic violence restraining order and indicating the  
26 appropriate Judicial Council forms. The informational packets  
27 shall include a design, that local courts shall complete, that  
28 describes local court procedures and maps to enable applicants to  
29 locate filing windows and appropriate courts, and shall also include  
30 information on how to return proofs of service, including mailing  
31 addresses and fax numbers. The court clerk shall provide a fee  
32 waiver form to all applicants for domestic violence protective  
33 orders. The court clerk shall provide all Judicial Council forms  
34 required by this chapter to applicants free of charge. The  
35 informational packet shall also contain a statement that the  
36 protective order is enforceable in any state, as defined in Section  
37 6401, and general information about agencies in other jurisdictions  
38 that may be contacted regarding enforcement of an order issued  
39 by a court of this state.

1 (h) For the purposes of this part, “electronic transmission” shall  
2 include computer access through the California Law Enforcement  
3 Telecommunications System (CLETS).

4 (i) Only protective and restraining orders issued on forms  
5 adopted by the Judicial Council of California and that have been  
6 approved by the Department of Justice shall be transmitted to the  
7 Department of Justice. However, this provision shall not apply to  
8 a valid protective or restraining order related to domestic or family  
9 violence issued by a tribunal of another state, as defined in Section  
10 6401. Those orders shall, upon request, be registered pursuant to  
11 Section 6404.

12 SEC. 3. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution for certain  
14 costs that may be incurred by a local agency or school district  
15 because, in that regard, this act creates a new crime or infraction,  
16 eliminates a crime or infraction, or changes the penalty for a crime  
17 or infraction, within the meaning of Section 17556 of the  
18 Government Code, or changes the definition of a crime within the  
19 meaning of Section 6 of Article XIII B of the California  
20 Constitution.

21 However, if the Commission on State Mandates determines that  
22 this act contains other costs mandated by the state, reimbursement  
23 to local agencies and school districts for those costs shall be made  
24 pursuant to Part 7 (commencing with Section 17500) of Division  
25 4 of Title 2 of the Government Code.

O