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DA Sounds the Alarm About Assembly Bill 1028, Which Would Remove Life Saving Protections for Victims of Domestic Violence; Calls on Lawmakers to Vote ‘No’

Constituents Urged to Contact Their State Senators

San Diego County District Attorney [Summer Stephan](#) today strongly criticized pending legislation that would remove the requirement that healthcare workers make a report to law enforcement when they suspect a patient has suffered physical injury caused by abusive conduct. Under the proposed new law, domestic violence victims who are bruised, attacked, stabbed, strangled, tortured, or maimed or are injured with weapons other than firearms, would not receive the current protection the law affords. Stephan is urging lawmakers to vote against Assembly Bill 1028 when it comes in front of the Senate Public Safety Committee on Tuesday, July 11.

“This ill-conceived bill reverses critical, long-standing protections that currently exist for victims of serious crimes including domestic violence,” said DA Stephan. “Mandated reporting is a link in the chain to a victim’s safety and can be the difference between life and death. Health care providers serve as gatekeepers to identify and report abuse where the family members and the abused themselves may not. These reporting laws ensure that a victim is protected, even if the abuser stands in the lobby of the hospital, demanding the victim lie about the abuse. A physician is duty bound to report suspicious injuries under the current law if they reasonably suspect the injuries were the result of abusive or assaultive conduct.”

Current law requires a health practitioner, as defined, to make a report to law enforcement when they suspect a patient has suffered physical injury that is either self-inflicted, caused by a firearm, or caused by assaultive or abusive conduct, including elder abuse, sexual assault, or torture.

Victims’ rights groups are also opposing the bill.

“As someone who almost died at the hands of my abuser and had to be taken to the hospital, I know firsthand how dangerous it would be to take away a doctor’s important responsibility to



report suspicious injuries,” said Isabel Rosales, a survivor of domestic violence who was stabbed by her ex-husband. “Doctors reporting domestic violence absolutely saves lives.”

California has long protected it’s most vulnerable by legislating mandated reporting for domestic violence and child abuse, and more recently elder abuse. This bill eliminates physician-mandated reporting for any physical injury due to domestic violence other than the small percentage of domestic violence cases that result in injuries from firearms. This means that domestic violence victims who are bruised, attacked, stabbed, strangled, tortured, or maimed or are injured with weapons other than firearms, would not receive the current protection the law affords.

“This bill takes us backwards 30 years and has unintended consequences that will put victims in even more danger,” said Karen Marcus, a retired forensic nurse in San Diego County.

“Healthcare professionals are one of the most important protectors for injured victims of crime and provide the victim important access to culturally competent community resources. Removing health care’s duty to report decreases the health and safety of victims and increases the risk of continued or worsening violence.”

San Diego County has roughly 17,000 domestic violence incidents reported per year, and a subset of those only come to law enforcement’s attention because of the good work of health care providers doing their duty to report suspicious injuries. Domestic violence is already one of the most under reported crimes because of the dynamics of power and control within an intimate partner relationship.

“AB 1028 is not supported by any California-based research and ignores the polling in California showing that advocates and survivors favor the existing Suspicious Injury Reporting Law,” said Casey Gwinn, President and Co-Founder of [Alliance for Hope International](#). “If this bill becomes law, terrified, seriously injured victims will have the responsibility to decide if their abusers get reported to the police. More women, men, children, and police officers will die if AB 1028 becomes law. The only state to end all reporting in the last ten years has seen more than a 100% increase in domestic violence-related deaths.”

Research shows that cases where the abuser strangles their partner, cutting off airflow and blood flow to the brain in the attack have been associated with a seven times greater likelihood of being murdered by that same abuser. This bill would send that strangulation victim, seven times more likely to get murdered when she or he walks out the door, into a deadly risk this legislature should not be willing to take.

DA Stephan urged constituents in San Diego County and across the state to contact their State Senators and voice their opposition to AB 1028.

The Chair of the Senate Public Safety Committee is Senator Aisha Wahab, (916) 651-4410.

State Senators representing districts in San Diego County are:

Sen. Toni Atkins, Central San Diego County (916) 651-4039
Sen. Steve Padilla, Chula Vista/South Bay (916) 651-4018
Sen. Brian Jones, El Cajon and Escondido (916) 651-4040
Sen. Catherine Blakespear, Encinitas/North County (916) 651-4038

Read the DA's letter sent in opposition to AB 1028 [here](#).

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.

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