Legal Update Senate Bill 989 Joanna's Law

1-15-2025

Senate Bill (SB) 989 was recently signed into law and makes amendments to the Code of Civil Procedure, the Government Code and the Penal Code relating to domestic violence. Known as "Joanna's Law", SB 989 requires law enforcement investigators, prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence and in the presence of three or more specified factors, to interview family members, such as parents, siblings, or other close friends or relatives of the decedent with relevant information regarding that history of domestic violence. In addition, Joanna's Law does the following:

Authorizes law enforcement investigators to request a complete autopsy, as specified, in a case where they have determined there is an identifiable history of being victimized by domestic violence and any of the following conditions are present:

- The decedent died prematurely or in an untimely manner;
- The scene of the death gives the appearance of death due to suicide or accident;
- One partner wanted to end the relationship;
- There is a history of being victimized by domestic violence that includes coercive control.
- The decedent is found dead in a home or place of residence;
- The decedent is found by a current or previous partner;
- There is a history of being victimized by domestic violence that includes strangulation or suffocation;
- The current or previous partner of the decedent, or child of the decedent or the decedent's current or previous partner, is the last to see the decedent alive;
- The partner had control of the scene before law enforcement arrived; or
- The body of the decedent has been moved or the scene or other evidence is altered in some way.

Adds to the guidelines POST must develop for the handling of domestic violence complaints all the following:
- Identification and detection of staged crime scenes;
- Working with a multidisciplinary team in the handling of domestic violence cases; and,
- The indicators of domestic homicide in suspicious death cases listed above.

Requires sworn law enforcement personnel investigating a death where it has been determined that the decedent has an identifiable history of being victimized by domestic violence to be current in their training related to domestic violence incidents, as specified.

Provides that, during the pendency of the investigation and any review, family members shall have access to all victim services and support, as specified.

Provides that, in the event that a local law enforcement agency makes a finding that the death is not a

homicide and closes the case, family members or their legal counsel shall have the right to request any and all records of the investigation currently available under the California Public Records Act.

Specifies that the provisions of this bill do not require local law enforcement agencies to compromise an existing or open investigation and does not preempt the discretion provided to local law enforcement agencies in the investigation of death cases.

Defines "identifiable history of domestic violence" as demonstrable past incidents of being victimized by domestic violence that may be verified by prior police reports, written or photographic documentation, restraining order declarations, eyewitness statements, or other evidence that corroborates a history of such incidents.

Defines the term "partner" for the purposes of its provisions as a spouse, former spouse, cohabitant, former cohabitant, fiancé, someone with whom the decedent had a dating relationship or engagement for marriage, or the parent of the decedent's child.

The full text of the bill and the updated statutes can be found at the link below:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB989