



OFFICE OF THE GOVERNOR

OCT 02 2017


To the Members of the California State Assembly:

I am returning Assembly Bill 859 without my signature.

This bill lowers the standard of proof for claims of elder physical abuse or neglect made against a skilled nursing facility or residential care facility for the elderly when a judge has found intentional destruction of evidence.

Intentional destruction or concealment of evidence, known as spoliation, is illegal. Currently when judges find spoliation, they have numerous sanctions at their disposal which they can impose against an offending party. In appropriate circumstances, this will facilitate establishing a claim of abuse. Accordingly, I don't believe changing the standard of proof is warranted.

Sincerely,


Edmund G. Brown Jr.

