

SB 360 Sample Support Letter

SB 360 (Hill) effectively removes exemptions for clergy as to penitential communications, which many religious institutions abuse in both civil and criminal court in order to maintain secrecy and avoid liability.

How you can help: we encourage organizations and individuals to use this sample letter or write their own letter in support of SB 360, to help convince legislators to support the bill.

Please submit a letter of support today!!
There is no deadline to submit a letter to the Senate Appropriations Committee, but the sooner you submit it the better.

Email letters to Shaun.Naidu@sen.ca.gov, tara.mcgee@sen.ca.gov,
sarah.couch@sen.ca.gov, ryan.morimune@sen.ca.gov, meegen.murray@sen.ca.gov,
danielle.parsons@sen.ca.gov, heather.resetarits@sen.ca.gov,
m.hyatt@caliberty.net.

Organizations: please be sure to submit your letter on letterhead.
Individuals: please be sure to include your mailing address in your letter.

Questions? Please contact Matty Hyatt or m.hyatt@caliberty.net.

DO NOT SUBMIT ANYTHING ABOVE THIS LINE!

[Your Name/Name of your organization]

[Address]

[Phone Number]

[Email Address]

[Date]

The Honorable Anthony Portantino, Chair
Appropriations Committee, California State Senate
State Capitol, Room 2206
Sacramento, CA 95814

Re: Senate Bill 360 (Hill) — SUPPORT

Dear Chairperson Portantino,

[I am/Name of your organization is] writing in support of SB 360 (Hill), legislation that would require clergy to report suspected child abuse or neglect, even if they acquired the knowledge or suspicion during a penitential communication.

[I/We] support SB 360 because this bill would remove the penitential communication exemption for clergy members, holding them to the same standard as every other mandated reporter in California. In 1997, the Child Abuse and Neglect Reporting Act (CANRA) was amended to include clergy as mandated reporters but with an exemption for penitential communication.

The California 2nd District Court of Appeal has found that for a communication to be penitential, three requirements must be satisfied: it must be intended to be in confidence, it must be made to a member of the clergy who is authorized or accustomed to hear such communications, and such member of the clergy has a duty to keep such communications secret. California gives clergy – priests, rabbis, ministers, religious practitioners, or similar functionaries of a church, temple, or recognized denomination or organization – an exemption not granted to any of the other 45 mandated reporters listed in statute.

In *Employment Division v. Smith*, the U.S. Supreme Court held that a person’s religious beliefs do not excuse them from compliance with an otherwise valid and neutral law prohibiting conduct that the state is free to regulate, and that the First Amendment does not necessarily protect a person’s right to act on their beliefs even though it protects the right of individuals to believe whatever they wish. This decision was overruled by Congress which passed the Religious Freedom Restoration Act of 1993 (RFRA), which has been broadly interpreted to grant greater protections to religious institutions, as opposed to individual religious freedoms. **[I/We]** believe in the “no harm principle,” which basically holds that while the government has no right to regulate a person’s religious beliefs or values, even the First Amendment can be limited to time, place, and manner restrictions and never permits criminal conduct.

SB 360 ensures that incidences of child abuse or neglect will no longer go unreported. Can any potential fiscal impact really justify permitting these abuses to continue? For that reason, **[I/We]** strongly support SB 360.

Sincerely,

[Your name and title]

[Your organization, if applicable]

cc: Matty Hyatt, California Civil Liberties Advocacy (CCLA)
Senator Patricia Bates (Vice Chair)
Senator Steven Bradford
Senator Jerry Hill
Senator Brian Jones
Senator Bob Wieckowski