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September 15, 2017

Honorable Jerry Brown  
Governor of California  
Capitol Building, 1st Floor  
Sacramento, CA 95814

**RE: AB 859 (EGGMAN) – REQUEST FOR SIGNATURE**

Dear Governor Brown:

Disability Rights California, a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 859 and requests your signature.**

This bill would protect seniors and persons with disabilities in nursing homes and discourage the destruction of evidence to avoid accountability. The Elder Abuse and Dependent Adult Civil Protection Act imposes the very high standard of “clear and convincing evidence” on victims alleging “reckless neglect” of elder abuse within a facility. AB 859 would impose a lesser standard of “preponderance of evidence” when the defendant has intentionally destroyed evidence. The higher standard of evidence becomes obviously unfair when evidence is not available to the victim and, importantly, the lower standard serves as an important deterrent to the destruction of evidence and an appropriate sanction when applied to a case where there has been a court finding of destruction of evidence.

Persons with disabilities and seniors who have suffered from both abuse through “reckless negligence” and the illegal conduct of intentionally destroyed evidence will be able to fairly seek redress for their injuries.

For these reasons, Disability Rights California supports AB 859 and

requests your signature. Please contact me if you have any questions about our position on this bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" written in a larger, more prominent script than the last name "Child".

Curtis Child  
Legislative Director  
Disability Rights California

cc: Legislative Affairs, Office of Governor Brown  
Honorable Susan Talamantes Eggman, California State Assembly  
Erin Rodriguez, Legislative Assistant, Office of Assembly Member  
Eggman  
Alex Galeana, Consumer Attorneys of California