

AMENDED IN SENATE MARCH 4, 2021

**SENATE BILL**

**No. 299**

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**Introduced by Senator Leyva  
(Coauthor: Senator Laird)**

*(Coauthors: Assembly Members Chiu, Friedman, and Cristina Garcia)*

February 3, 2021

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An act to amend ~~Section 13956~~ *Sections 13951, 13954, 13956, and 13960* of the Government Code, relating to ~~victim-compensation-~~ *compensation, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Leyva. ~~Victim-compensation-~~ *compensation: use of force by a peace officer.*

*(1) Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law defines various terms for purposes of these provisions, including "crime," which includes any public offense wherever it may take place that would constitute a misdemeanor or felony.*

*This bill would revise the definition of "crime" to include any public offense described above regardless of whether any person is arrested for, charged with, or convicted of the commission of the crime. The bill would also include in the definition of "crime" an incident occurring on or after January 1, 2022, in which an individual sustains serious bodily injury or death as a result of a peace officer's use of force, regardless of whether the peace officer is arrested for, charged with, or convicted of committing a crime. By expanding the types of crime*

*for which compensation can be paid from a continuously appropriated fund, the bill would make an appropriation.*

*(2) Existing law requires every law enforcement and social service agency in the state to provide to the board or to a contracted victim center reports involving the crime or incident giving rise to a claim, for the specific purpose of determining the eligibility of a claim, except as provided.*

*This bill would prohibit a determination made by the board as to the eligibility of a victim or applicant for compensation from being used as evidence that, among other things, any person committed a crime. In the case of a claim based on a victim's serious bodily injury or death that resulted from a peace officer's use of force, as described above, the bill would further prohibit the eligibility determination from being used as evidence in any action, disciplinary investigation, or proceeding relating to the employment or duties of the peace officer, as provided.*

*(3) Existing law requires that a person be ineligible for compensation under specified conditions, including, among other things, if the board determines that denial of the claim for compensation is appropriate because of the nature of the victim's involvement in the events leading to the crime, or the involvement of the person whose injury or death gives rise to the application. Existing law requires the board to deny an application if it finds that the victim failed to cooperate reasonably with a law enforcement agency in the apprehension and conviction of a criminal committing the crime.*

*This bill, in the case of a claim based on a victim's serious bodily injury or death that resulted from a peace officer's use of force, as described above, would prohibit the board from denying an application based on certain circumstances, including the victim's or other applicant's involvement in the crime, except as specified, the victim's failure to cooperate, or the contents of a police report, or the lack thereof. The bill would, absent a police report, authorize the board to consider other evidence that a crime occurred, as specified. The bill, in the case of a claim based on a victim's death as a result of a crime, would prohibit the board from denying an application based on the deceased victim's involvement in the crime or the victim's or derivative victim's failure to cooperate. The bill would additionally prohibit the board from denying a claim for psychiatric, psychological, or mental health counseling-related expenses, or for funeral and burial expenses, based on a victim's or derivative victim's involvement in the crime or failure to cooperate.*

(4) Existing law authorizes the filing of a petition for a writ of mandate, as provided, in seeking judicial review of a final decision by the board.

This bill would prohibit a writ of mandate from being used as evidence that, among other things, any person committed a crime. In the case of a claim based on a victim’s serious bodily injury or death that resulted from a peace officer’s use of force, as described above, the bill would further prohibit the writ from being used as evidence in any action, disciplinary investigation, or proceeding relating to the employment or duties of the peace officer, as provided.

~~Existing law provides for the indemnification of victims of specified types of crimes, subject to specified criteria. Existing law excludes a person from eligibility for compensation as a victim of crime under specified circumstances.~~

~~This bill would make a nonsubstantive change to those provisions.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13951 of the Government Code is  
2 amended to read:

3 13951. As used in this chapter, the following definitions shall  
4 apply:

5 (a) “Board” means the California Victim Compensation Board.

6 (b) (1) “Crime” means a crime or public offense, wherever it  
7 may take place, that would constitute a misdemeanor or a felony  
8 if the crime had been committed in California by a competent  
9 ~~adult~~: *adult, regardless of whether any person is arrested for,*  
10 *charged with, or convicted of committing the crime or public*  
11 *offense.*

12 (2) “Crime” includes an act of terrorism, as defined in Section  
13 2331 of Title 18 of the United States Code, committed against a  
14 resident of the state, whether or not the act occurs within the state.

15 (3) “Crime” includes an incident occurring on or after January  
16 1, 2022, in which an individual sustains serious bodily injury or  
17 death as a result of a peace officer’s use of force, regardless of  
18 whether the peace officer is arrested for, charged with, or convicted  
19 of committing a crime.

1 (c) “Derivative victim” means an individual who sustains  
 2 pecuniary loss as a result of injury or death to a victim.

3 (d) “Law enforcement” means every district attorney, municipal  
 4 police department, sheriff’s department, district attorney’s office,  
 5 county probation department, and social services agency, the  
 6 Department of Justice, the Department of Corrections, the  
 7 Department of the Youth Authority, the Department of the  
 8 California Highway Patrol, the police department of any campus  
 9 of the University of California, California State University, or  
 10 community college, and every agency of the State of California  
 11 expressly authorized by statute to investigate or prosecute law  
 12 violators.

13 (e) (1) *“Peace officer” has the same meaning as in Section 830*  
 14 *of the Penal Code, except as otherwise provided in paragraph (2).*

15 (2) *“Peace officer” does not include any of the following:*

16 (A) *Investigators of the Public Employees’ Retirement System.*  
 17 (B) *Investigators of the office of the Controller.*  
 18 (C) *Persons employed by the Contractors State License Board*  
 19 *designated by the Director of Consumer Affairs pursuant to Section*  
 20 *7011.5 of the Business and Professions Code.*  
 21 (D) *Investigators of the office of the Secretary of State.*  
 22 (E) *Investigators employed by the Employment Development*  
 23 *Department pursuant to Section 317 of the Unemployment*  
 24 *Insurance Code.*  
 25 (F) *Security officers of Hastings College of the Law.*

26 ~~(e)~~

27 (f) “Pecuniary loss” means an economic loss or expense resulting  
 28 from an injury or death to a victim of crime that has not been and  
 29 will not be reimbursed from any other source.

30 ~~(f)~~

31 (g) “Peer counseling” means counseling offered by a provider  
 32 of mental health counseling services who has completed a  
 33 specialized course in rape crisis counseling skills development,  
 34 participates in continuing education in rape crisis counseling skills  
 35 development, and provides rape crisis counseling within the State  
 36 of California.

37 ~~(g)~~

38 (h) “Victim” means an individual who sustains injury or death  
 39 as a direct result of a crime as specified in subdivision (e) of  
 40 Section 13955.

1     ~~(h)~~

2     (i) “Victim center” means a victim and witness assistance center  
3 that receives funds pursuant to Section 13835.2 of the Penal Code.

4     (j) “Victim services provider” means an individual, whether  
5 paid or serving as a volunteer, who provides services to victims  
6 under the supervision of either an agency or organization that has  
7 a documented record of providing services to victims, or a law  
8 enforcement or prosecution agency.

9     SEC. 2. Section 13954 of the Government Code is amended to  
10 read:

11     13954. (a) The board shall verify with hospitals, physicians,  
12 law enforcement officials, or other interested parties involved, the  
13 treatment of the victim or derivative victim, circumstances of the  
14 crime, amounts paid or received by or for the victim or derivative  
15 victim, and any other pertinent information deemed necessary by  
16 the board. Verification information shall be returned to the board  
17 within 10 business days after a request for verification has been  
18 made by the board. Verification information shall be provided at  
19 no cost to the applicant, the board, or victim centers. When  
20 requesting verification information, the board shall certify that a  
21 signed authorization by the applicant is retained in the applicant’s  
22 file and that this certification constitutes actual authorization for  
23 the release of information, notwithstanding any other provision of  
24 law. If requested by a physician or mental health provider, the  
25 board shall provide a copy of the signed authorization for the  
26 release of information.

27     (b) (1) The applicant shall cooperate with the staff of the board  
28 or the victim center in the verification of the information contained  
29 in the application. Failure to cooperate shall be reported to the  
30 board, which, in its discretion, may reject the application solely  
31 on this ground.

32     (2) An applicant may be found to have failed to cooperate with  
33 the board if any of the following occur:

34     (A) The applicant has information, or there is information that  
35 ~~he or she~~ *the applicant* may reasonably obtain, that is needed to  
36 process the application or supplemental claim, and the applicant  
37 failed to provide the information after being requested to do so by  
38 the board. The board shall take the applicant’s economic,  
39 psychosocial, and postcrime traumatic circumstances into

1 consideration, and shall not unreasonably reject an application  
2 solely for failure to provide information.

3 (B) The applicant provided, or caused another to provide, false  
4 information regarding the application or supplemental claim.

5 (C) The applicant refused to apply for other benefits potentially  
6 available to ~~him or her~~ *the applicant* from other sources besides  
7 the board including, but not limited to, worker's compensation,  
8 state disability insurance, social security benefits, and  
9 unemployment insurance.

10 (D) The applicant threatened violence or bodily harm to a  
11 member of the board or staff.

12 (c) The board may contract with victim centers to provide  
13 verification of applications processed by the centers pursuant to  
14 conditions stated in subdivision (a). The board and its staff shall  
15 cooperate with the Office of Criminal Justice Planning and victim  
16 centers in conducting training sessions for center personnel and  
17 shall cooperate in the development of standardized verification  
18 procedures to be used by the victim centers in the state. The board  
19 and its staff shall cooperate with victim centers in disseminating  
20 standardized board policies and findings as they relate to the  
21 centers.

22 (d) (1) Notwithstanding Section 827 of the Welfare and  
23 Institutions Code or any other provision of law, every law  
24 enforcement and social service agency in the state shall provide  
25 to the board or to victim centers that have contracts with the board  
26 pursuant to subdivision (c), upon request, a complete copy of the  
27 law enforcement report and any supplemental reports involving  
28 the crime or incident giving rise to a claim, a copy of a petition  
29 filed in a juvenile court proceeding, reports of the probation officer,  
30 and any other document made available to the probation officer  
31 or to the judge, referee, or other hearing officer, for the specific  
32 purpose of determining the eligibility of a claim filed pursuant to  
33 this chapter.

34 (2) The board and victim centers receiving records pursuant to  
35 this subdivision may not disclose a document that personally  
36 identifies a minor to anyone other than the minor who is so  
37 identified, ~~his or her~~ *the minor's* custodial parent or guardian, the  
38 attorneys for those parties, and any other persons that may be  
39 designated by court order. Any information received pursuant to  
40 this section shall be received in confidence for the limited purpose

1 for which it was provided and may not be further disseminated. A  
2 violation of this subdivision is a misdemeanor punishable by a fine  
3 not to exceed five hundred dollars (\$500).

4 (3) The law enforcement agency supplying information pursuant  
5 to this section may withhold the names of witnesses or informants  
6 from the board, if the release of those names would be detrimental  
7 to the parties or to an investigation in progress.

8 (e) Notwithstanding any other provision of law, every state  
9 agency, upon receipt of a copy of a release signed in accordance  
10 with the Information Practices Act of 1977 (Chapter 1  
11 commencing with Section 1798) of Title 1.8 of Part 4 of Division  
12 3 of the Civil Code) by the applicant or other authorized  
13 representative, shall provide to the board or victim center the  
14 information necessary to complete the verification of an application  
15 filed pursuant to this chapter.

16 (f) The Department of Justice shall furnish, upon application of  
17 the board, all information necessary to verify the eligibility of any  
18 applicant for benefits pursuant to subdivision (c) of Section 13956,  
19 to recover any restitution fine or order obligations that are owed  
20 to the Restitution Fund or to any victim of crime, or to evaluate  
21 the status of any criminal disposition.

22 (g) A privilege is not waived under Section 912 of the Evidence  
23 Code by an applicant consenting to disclosure of an otherwise  
24 privileged communication if that disclosure is deemed necessary  
25 by the board for verification of the application.

26 (h) Any verification conducted pursuant to this section shall be  
27 subject to the time limits specified in Section 13958.

28 (i) Any county social worker acting as the applicant for a child  
29 victim or elder abuse victim shall not be required to provide  
30 personal identification, including, but not limited to, the applicant's  
31 date of birth or social security number. County social workers  
32 acting in this capacity shall not be required to sign a promise of  
33 repayment to the board.

34 (j) *Notwithstanding any other provision of statute, administrative*  
35 *rule, local ordinance, or other law, a determination made by the*  
36 *board as to the eligibility of a victim or applicant for compensation*  
37 *shall be used for the limited purposes described in this chapter,*  
38 *or in a proceeding related to determining the amount of restitution*  
39 *a person who has been convicted of a crime owes, pursuant to*  
40 *Section 1202.4 of the Penal Code. A determination of eligibility*

1 *made by the board shall not otherwise be admissible as evidence*  
2 *that any person committed a crime or is liable for a victim's injury*  
3 *or death in any civil action or proceeding, in any criminal action*  
4 *or proceeding including pretrial motions and hearings and*  
5 *postconviction motions and hearings, in any trial or hearing of a*  
6 *juvenile for a criminal offense, whether heard in juvenile or adult*  
7 *court, or in any court of law. This subdivision shall not be*  
8 *construed to limit or in any way affect the board's subrogation*  
9 *and recovery rights under Sections 13963 or 13966, and shall not*  
10 *be construed to limit or in any way affect the ability of a court to*  
11 *consider the amount of assistance provided by the Restitution Fund*  
12 *to a victim in a determination relating to a restitution order*  
13 *following a conviction, in accordance with Section 1202.4 of the*  
14 *Penal Code.*

15 *(k) Notwithstanding any other provision of statute,*  
16 *administrative rule, local ordinance, or other law, for claims based*  
17 *on a victim's serious bodily injury or death that resulted from a*  
18 *peace officer's use of force, as provided in Section 13951, a*  
19 *determination made by the board as to the eligibility of a victim*  
20 *or applicant for compensation shall not be admissible as evidence*  
21 *in any action, disciplinary investigation, or proceeding relating*  
22 *to the employment or duties of the peace officer, nor used as*  
23 *evidence to support any punitive action or denial of promotion of*  
24 *a peace officer.*

25 **SECTION 1.**

26 **SEC. 3.** Section 13956 of the Government Code is amended  
27 to read:

28 13956. Notwithstanding Section 13955, a person shall not be  
29 eligible for compensation under the following conditions:

30 (a) An application may be denied, in whole or in part, if the  
31 board finds that denial is appropriate because of the nature of the  
32 victim's or other applicant's involvement in the events leading to  
33 the crime, or the involvement of the person whose injury or death  
34 gives rise to the application.

35 (1) Factors that may be considered in determining whether the  
36 victim or derivative victim was involved in the events leading to  
37 the qualifying crime include, but are not limited to:

38 (A) The victim or derivative victim initiated the qualifying  
39 crime, or provoked or aggravated the suspect into initiating the  
40 qualifying crime.



1 (B) The qualifying crime was a reasonably foreseeable  
2 consequence of the conduct of the victim or derivative victim.

3 (C) The victim or derivative victim was committing a crime  
4 that could be charged as a felony and reasonably lead to them being  
5 victimized. However, committing a crime shall not be considered  
6 involvement if the victim's injury or death occurred as a direct  
7 result of a crime committed in violation of Section 261, 262, or  
8 273.5 of, or for a crime of unlawful sexual intercourse with a minor  
9 in violation of subdivision (d) of Section 261.5 of, the Penal Code.

10 (2) If the victim is determined to have been involved in the  
11 events leading to the qualifying crime, factors that may be  
12 considered to mitigate or overcome involvement include, but are  
13 not limited to:

14 (A) The victim's injuries were significantly more serious than  
15 reasonably could have been expected based on the victim's level  
16 of involvement.

17 (B) A third party interfered in a manner not reasonably  
18 foreseeable by the victim or derivative victim.

19 (C) The board shall consider the victim's age, physical  
20 condition, and psychological state, as well as any compelling health  
21 and safety concerns, in determining whether the application should  
22 be denied pursuant to this section. The application of a derivative  
23 victim of domestic violence under 18 years of age or derivative  
24 victim of trafficking under 18 years of age shall not be denied on  
25 the basis of the denial of the victim's application under this  
26 subdivision.

27 *(3) Notwithstanding paragraphs (1) and (2), for a claim based*  
28 *on a victim's serious bodily injury or death that resulted from a*  
29 *peace officer's use of force, as provided in Section 13951, the*  
30 *board shall not deny the application based on the victim's or other*  
31 *applicant's involvement in the qualifying crime that gave rise to*  
32 *the claim, except that the board may deny the application if the*  
33 *victim is convicted of a crime that resulted in serious bodily injury*  
34 *to or death of the officer or a civilian, and the crime occurred at*  
35 *the time of the incident on which the claim is based. The board*  
36 *shall not consider a claim for compensation while charges are*  
37 *pending alleging that a victim subject to this paragraph committed*  
38 *the crime, except that the board may approve a claim for*  
39 *psychiatric, psychological, or mental health counseling-related*  
40 *expenses at any time. A victim or applicant subject to this*

1 *paragraph may apply for compensation pursuant to this chapter*  
2 *at any time for any expense other than psychiatric, psychological,*  
3 *or mental health counseling-related expenses, but the award of*  
4 *that compensation shall not be granted until the charges are no*  
5 *longer pending against the victim. If the victim is deceased, charges*  
6 *shall not be considered pending against the victim for the purposes*  
7 *of this paragraph.*

8 *(4) Notwithstanding paragraphs (1), (2), and (3), for a claim*  
9 *based on a victim's death as a result of a crime, the board shall*  
10 *not deny the application, in whole or in part, based on the deceased*  
11 *victim's involvement in the crime that gave rise to the claim.*

12 *(5) Notwithstanding paragraphs (1), (2), and (3), the board*  
13 *shall not deny a claim for psychiatric, psychological, or mental*  
14 *health counseling-related expenses, or for funeral and burial*  
15 *expenses, based on a victim's or derivative victim's involvement*  
16 *in the crime that gave rise to the claim.*

17 (b) (1) An application shall be denied if the board finds that  
18 the victim or, if compensation is sought by, or on behalf of, a  
19 derivative victim, either the victim or derivative victim failed to  
20 cooperate reasonably with a law enforcement agency in the  
21 apprehension and conviction of a criminal committing the crime.  
22 In determining whether cooperation has been reasonable, the board  
23 shall consider the victim's or derivative victim's age, physical  
24 condition, and psychological state, cultural or linguistic barriers,  
25 any compelling health and safety concerns, including, but not  
26 limited to, a reasonable fear of retaliation or harm that would  
27 jeopardize the well-being of the victim or the victim's family or  
28 the derivative victim or the derivative victim's family, and giving  
29 due consideration to the degree of cooperation of which the victim  
30 or derivative victim is capable in light of the presence of any of  
31 these factors. Victims of domestic violence shall not be determined  
32 to have failed to cooperate based on their conduct with law  
33 enforcement at the scene of the crime. Lack of cooperation shall  
34 also not be found solely because a victim of sexual assault,  
35 domestic violence, or human trafficking delayed reporting the  
36 qualifying crime.

37 *(2) Notwithstanding paragraph (1), for a claim based on a*  
38 *victim's serious bodily injury or death that resulted from a peace*  
39 *officer's use of force, as provided in Section 13951, the board shall*  
40 *not deny the application based on the victim's failure to cooperate.*

1 (3) Notwithstanding paragraph (1), for a claim based on a  
2 victim's death as a result of a crime, the board shall not deny the  
3 application based on a victim's or derivative victim's failure to  
4 cooperate.

5 (4) Notwithstanding paragraph (1), the board shall not deny a  
6 claim for psychiatric, psychological, or mental health  
7 counseling-related expenses, or for funeral and burial expenses,  
8 based on a victim's or derivative victim's failure to cooperate.

9 ~~(2)~~

10 (5) An application for a claim based on domestic violence shall  
11 not be denied solely because a police report was not made by the  
12 victim. The board shall adopt guidelines that allow the board to  
13 consider and approve applications for assistance based on domestic  
14 violence relying upon evidence other than a police report to  
15 establish that a domestic violence crime has occurred. Factors  
16 evidencing that a domestic violence crime has occurred may  
17 include, but are not limited to, medical records documenting  
18 injuries consistent with allegations of domestic violence, mental  
19 health records, or that the victim has obtained a permanent  
20 restraining order.

21 ~~(3)~~

22 (6) An application for a claim based on a sexual assault shall  
23 not be denied solely because a police report was not made by the  
24 victim. The board shall adopt guidelines that allow it to consider  
25 and approve applications for assistance based on a sexual assault  
26 relying upon evidence other than a police report to establish that  
27 a sexual assault crime has occurred. Factors evidencing that a  
28 sexual assault crime has occurred may include, but are not limited  
29 to, medical records documenting injuries consistent with allegations  
30 of sexual assault, mental health records, or that the victim received  
31 a sexual assault examination.

32 ~~(4)~~

33 (7) An application for a claim based on human trafficking as  
34 defined in Section 236.1 of the Penal Code shall not be denied  
35 solely because no police report was made by the victim. The board  
36 shall adopt guidelines that allow the board to consider and approve  
37 applications for assistance based on human trafficking relying  
38 upon evidence other than a police report to establish that a human  
39 trafficking crime as defined in Section 236.1 of the Penal Code  
40 has occurred. That evidence may include any reliable corroborating

1 information approved by the board, including, but not limited to,  
2 the following:

3 (A) A Law Enforcement Agency Endorsement issued pursuant  
4 to Section 236.2 of the Penal Code.

5 (B) A human trafficking caseworker, as identified in Section  
6 1038.2 of the Evidence Code, has attested by affidavit that the  
7 individual was a victim of human trafficking.

8 ~~(5)~~

9 (8) (A) An application for a claim by a military personnel victim  
10 based on a sexual assault by another military personnel shall not  
11 be denied solely because it was not reported to a superior officer  
12 or law enforcement at the time of the crime.

13 (B) Factors that the board shall consider for purposes of  
14 determining if a claim qualifies for compensation include, but are  
15 not limited to, the evidence of the following:

16 (i) Restricted or unrestricted reports to a military victim  
17 advocate, sexual assault response coordinator, chaplain, attorney,  
18 or other military personnel.

19 (ii) Medical or physical evidence consistent with sexual assault.

20 (iii) A written or oral report from military law enforcement or  
21 a civilian law enforcement agency concluding that a sexual assault  
22 crime was committed against the victim.

23 (iv) A letter or other written statement from a sexual assault  
24 counselor, as defined in Section 1035.2 of the Evidence Code,  
25 licensed therapist, or mental health counselor, stating that the  
26 victim is seeking services related to the allegation of sexual assault.

27 (v) A credible witness to whom the victim disclosed the details  
28 that a sexual assault crime occurred.

29 (vi) A restraining order from a military or civilian court against  
30 the perpetrator of the sexual assault.

31 (vii) Other behavior by the victim consistent with sexual assault.

32 (C) For purposes of this subdivision, the sexual assault at issue  
33 shall have occurred during military service, including deployment.

34 (D) For purposes of this subdivision, the sexual assault may  
35 have been committed off base.

36 (E) For purposes of this subdivision, a “perpetrator” means an  
37 individual who is any of the following at the time of the sexual  
38 assault:

39 (i) An active duty military personnel from the United States  
40 Army, Navy, Marine Corps, Air Force, or Coast Guard.

1 (ii) A civilian employee of any military branch specified in  
2 clause (i), military base, or military deployment.

3 (iii) A contractor or agent of a private military or private security  
4 company.

5 (iv) A member of the California National Guard.

6 (F) For purposes of this subdivision, “sexual assault” means an  
7 offense included in Section 261, 262, 264.1, 286, 287, formerly  
8 288a, or Section 289 of the Penal Code, as of the date the act that  
9 added this paragraph was enacted.

10 *(c) Notwithstanding any provision of this section, for*  
11 *applications based on a victim’s serious bodily injury or death*  
12 *that resulted from a peace officer’s use of force as provided in*  
13 *Section 13951, the board shall not deny an application, in whole*  
14 *or in part, based solely upon the contents of a police report, or*  
15 *because a police report was not made, or based on whether any*  
16 *suspect was arrested or charged with the crime that gave rise to*  
17 *the claim. The board shall consider other evidence to establish*  
18 *that a qualifying crime occurred. Factors evidencing that a*  
19 *qualifying crime occurred may include, but are not limited to, all*  
20 *of the following:*

21 *(1) Medical records documenting injuries consistent with the*  
22 *allegation of the qualifying crime.*

23 *(2) A written statement from a victim services provider stating*  
24 *that the victim is seeking services related to the qualifying crime.*

25 *(3) A permanent restraining order or protective order issued*  
26 *by a court to protect or separate the victim or derivative victim*  
27 *from the person who is responsible for the qualifying crime.*

28 *(4) A statement from a licensed medical provider, physician’s*  
29 *assistant, nurse practitioner, or other person licensed to provide*  
30 *medical or mental health care documenting that the victim*  
31 *experienced physical, mental, or emotional injury as a result of*  
32 *the qualifying crime.*

33 *(5) A written or oral report from a law enforcement agency*  
34 *stating that a qualifying crime was committed against the victim.*

35 *(6) Evidence that the qualifying crime was reported under*  
36 *Section 12525.2 to the Department of Justice as an incident in*  
37 *which the use of force by a peace officer against a civilian resulted*  
38 *in serious bodily injury or death.*

39 *(d) A person making a statement or report regarding a*  
40 *qualifying crime under paragraph (2), (4), or (5) of subdivision*

1 (c) may consider any information they deem relevant based on  
2 their knowledge, skill, experience, or training, including, but not  
3 limited to, a statement provided by a credible witness, video  
4 recording of the incident, an assessment of the victim's injuries,  
5 or other relevant evidence.

6 (e)

7 (e) (1) Notwithstanding Section 13955, no person who is  
8 convicted of a violent felony listed in subdivision (c) of Section  
9 667.5 of the Penal Code may be granted compensation until that  
10 person has been discharged from probation or has been released  
11 from a correctional institution and has been discharged from parole,  
12 or has been discharged from postrelease community supervision  
13 or mandatory supervision, if any, for that violent crime. In no case  
14 shall compensation be granted to an applicant pursuant to this  
15 chapter during any period of time the applicant is held in a  
16 correctional institution, or while an applicant is required to register  
17 as a sex offender pursuant to Section 290 of the Penal Code.

18 (2) A person who has been convicted of a violent felony listed  
19 in subdivision (c) of Section 667.5 of the Penal Code may apply  
20 for compensation pursuant to this chapter at any time, but the award  
21 of that compensation may not be considered until the applicant  
22 meets the requirements for compensation set forth in paragraph  
23 (1).

24 *SEC. 4. Section 13960 of the Government Code is amended to*  
25 *read:*

26 13960. (a) Judicial review of a final decision made pursuant  
27 to this chapter may be had by filing a petition for a writ of mandate  
28 in accordance with Section 1094.5 of the Code of Civil Procedure.  
29 The right to petition shall not be affected by the failure to seek  
30 reconsideration before the board. The petition shall be filed as  
31 follows:

32 (1) Where no request for reconsideration is made, within 30  
33 calendar days of personal delivery or within 60 calendar days of  
34 the mailing of the board's decision on the application for  
35 compensation.

36 (2) Where a timely request for reconsideration is filed and  
37 rejected by the board, within 30 calendar days of personal delivery  
38 or within 60 calendar days of the mailing of the notice of rejection.

39 (3) Where a timely request for reconsideration is filed and  
40 granted by the board, or reconsideration is ordered by the board,

1 within 30 calendar days of personal delivery or within 60 calendar  
2 days of the mailing of the final decision on the reconsidered  
3 application.

4 (b) (1) In an action resulting in the issuance of a writ of mandate  
5 pursuant to this section the court may order the board to pay to the  
6 applicant's attorney reasonable attorney's fees or one thousand  
7 dollars (\$1,000), whichever is less. If action is taken by the board  
8 in favor of the applicant in response to the filing of the petition,  
9 but prior to a judicial determination, the board shall pay the  
10 applicant's costs of filing the petition.

11 (2) In case of appeal by the board of a decision on the petition  
12 for writ of mandate that results in a decision in favor of the  
13 applicant, the court may order the board to pay to the applicant's  
14 attorney reasonable attorney fees.

15 (3) Nothing in this section shall be construed to prohibit or limit  
16 an award of attorney's fees pursuant to Section 1021.5 of the Code  
17 of Civil Procedure.

18 (c) (1) *Notwithstanding any other provision of statute,*  
19 *administrative rule, local ordinance, or other law, a writ of*  
20 *mandate issued pursuant to this section shall apply for the limited*  
21 *purposes of compelling the board to award compensation pursuant*  
22 *to this chapter, or in a proceeding related to determining the*  
23 *amount of restitution a person who has been convicted of the crime*  
24 *owes, pursuant to Section 1202.4 of the Penal Code. A writ of*  
25 *mandate issued pursuant to this section shall not otherwise be*  
26 *admissible as evidence that any person committed a crime or is*  
27 *liable for a victim's injury or death in any civil action or*  
28 *proceeding, in any criminal action or proceeding including pretrial*  
29 *motions and hearings and postconviction motions and hearings*  
30 *in criminal proceedings, in any trial or hearing of a juvenile for*  
31 *a criminal offense, whether heard in juvenile or adult court, or in*  
32 *any court of law. This subdivision shall not be construed to limit*  
33 *or in any way affect the board's subrogation and recovery rights*  
34 *under Sections 13963 or 13966, and shall not be construed to limit*  
35 *or in any way affect the ability of a court to consider the amount*  
36 *of assistance provided by the restitution fund to a victim in a*  
37 *determination relating to a restitution order following a conviction,*  
38 *in accordance with Section 1202.4 of the Penal Code.*

39 (2) *Notwithstanding any other provision of statute,*  
40 *administrative rule, local ordinance, or other law, for a claim*

1 *based on a victim's serious bodily injury or death that resulted*  
2 *from a peace officer's use of force, as provided in Section 13951,*  
3 *a writ of mandate issued pursuant to this section shall not be*  
4 *admissible as evidence in any action, disciplinary investigation,*  
5 *or proceeding relating to the employment or duties of the peace*  
6 *officer, nor used as evidence to support any punitive action or*  
7 *denial of promotion of a peace officer.*

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