

File No. 220523

Committee Item No. _____

Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

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Prepared by: Brittney Harrell
Prepared by: _____

Date: May 5, 2022
Date: _____

1 [Supporting California State Senate Bill No. 993 (Skinner) - Expanding Access to Support and
2 Services for Victims of Crime]

3 **Resolution supporting California State Senate Bill No. 993, authored by Senator Nancy**
4 **Skinner, Expanding Crime Victim Support and Services, which improves access to**
5 **support and services for survivors of crime by removing barriers that contribute to**
6 **denial, improving support for exonerees, and increasing funding for compensation of**
7 **victims.**

8
9 WHEREAS, The California Victim Compensation Board provides financial support and
10 services to crime victims and exonerees; and

11 WHEREAS, Providing this support increases community safety, improves trust
12 between law enforcement and victims and also reduces a victim’s urge to retaliate; and

13 WHEREAS, If you are a crime survivor, California law provides you the ability to seek
14 financial compensation and services through the Victim Compensation Board; and

15 WHEREAS, The Victim Compensation Board also funds trauma counseling, funeral
16 expenses, and medical expenses; and

17 WHEREAS, This important service is underfunded and governed by language that has
18 prevented many crime survivors from being able to access funds or receive the help needed
19 to recover; and

20 WHEREAS, The application process for accessing these services can be lengthy and
21 burdensome; and

22 WHEREAS, California State Senate Bill No. (SB) 993 improves access to support and
23 services for survivors and exonerees and increases the financial support a crime survivor can
24 receive; and

25

1 WHEREAS, SB 993 would increase the compensation cap, improve access to financial
2 assistance for mental health services and expand access to lost income or support services

3 WHEREAS, SB 993 would allow community organizations to provide direct cash
4 assistance to violent crime survivors with minimal administrative burden; and

5 WHEREAS, The bill would streamline the claims process for Victim Compensation
6 Board benefits; and

7 WHEREAS, SB 993 would remove barriers that contribute to denials and racial
8 disparities in Victim Compensation Board claim awards, including correctional supervision
9 disqualification, denials related to law enforcement cooperation, discretionary denials that
10 blame the victim for their own victimization; and

11 WHEREAS, Improve support for exonerees, including compensation for time spent on
12 parole or probation and for attorney’s fees associated with overturning a conviction or
13 securing a pardon; now, therefore, be it

14 RESOLVED, That the Board of Supervisors shall support California State Senate Bill
15 No. 993 and join Senator Nancy Skinner, Californians for Safety and Justice, Crime Survivors
16 for Safety and Justice, After Innocence and others to support the passage of this bill; and, be
17 it

18 FURTHER RESOLVED, That the Clerk of the Board of Supervisors of the City and
19 County of San Francisco distribute this Resolution to San Francisco’s State Legislative
20 Delegation, State Senate, and to the California Governor Gavin Newsom.

21
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25

AMENDED IN SENATE APRIL 19, 2022
AMENDED IN SENATE MARCH 10, 2022

SENATE BILL

No. 993

Introduced by Senator Skinner
(Coauthors: Senators Archuleta and Rubio)

February 14, 2022

An act to amend Sections 13901, 13902, 13951, 13952, 13952.5, 13954, 13956, 13957, 13957.2, 13957.5, 13958, 13959, 13960, and 13962 of, and to add and repeal Chapter 7.9 (commencing with Section 8699) of Division 1 of Title 2 of, the Government Code, and to amend Sections 4900, 4903, and 4904 of, and to add ~~Section 1170.04~~ *Sections 679.027, 4904.1, and 11155.1* to, the Penal Code, relating to ~~state and local government~~, *crimes*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 993, as amended, Skinner. Victims and persons erroneously convicted.

Existing law, the California Emergency Services Act, creates, within the office of the Governor, the Office of Emergency Services, which is responsible for addressing natural, technological, or ~~man-made~~ *manmade* disasters and emergencies.

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund.

This bill would establish the Flexible Assistance for Survivors of ~~Trauma Empowerment and Recovery~~ *Violence* (FASV) pilot grant program, to be administered by the Office of Emergency Services. The bill would require the office to establish a grant selection advisory committee to provide grants to qualifying community-based

organizations to establish assistance funds to distribute in direct cash assistance to survivors of violence.

This bill would require the committee when considering grant applications to give preferences to certain organizations, including organizations that are located in, serve, and employ members of communities that are disproportionately impacted by violent victimization and incarcerations. The bill would restrict expenditure of grant funds for administrative expenses to no more than 10%, and would require organizations receiving an award to establish policies and procedures for distributing funds that comply with specified requirements.

This bill would require that cash assistance received under these provisions to be treated in the same manner as the federal earned income refund, as specified, for purposes of determining eligibility to receive specified benefits. The bill would require each grantee to report certain information to the office each year. The bill would require the office to post on its internet website a public report on the impact of the grant program before July 1, 2027, as specified.

This bill would make the FASV pilot grant provisions inoperative on July 1, 2027, and would repeal them January 1, 2028.

Existing law requires the *California* Victim Compensation Board to consist of 3 members, as specified.

This bill would add a 4th member who as a public member with expertise in restorative justice. The bill would also specify that a person cannot be prohibited from serving on the board solely because of that person's prior criminal record.

Existing law defines terms for purpose of determining the eligibility of victims of crime for compensation from the Restitution Fund, which is continuously appropriated to the California Victim Compensation Board.

This bill would define "victim services provider" for purposes of these provisions.

Existing law requires an application for compensation to be filed with the board in a manner determined by the board, authorizes the board to require submission of additional information, and requires the board to communicate any determination made with respect to the adequacy of the information received from the applicant, as specified. Existing law also requires the board to verify information with various entities, including hospitals and law enforcement officials, as specified. Existing law also creates a process for the board's verification of information,

including by requiring the applicant to cooperate with the board, as specified.

This bill would prohibit the board from requiring submission of additional information solely to verify that a crime occurred, as specified. The bill would also change how the board must communicate with the applicant about the adequacy of the information received from the applicant. The bill would also authorize the board to verify information, but not require the board to do so, and would prohibit the board from seeking or requiring additional information solely to verify that the crime occurred if the board has already received a valid form of verification, as specified. The bill would remove the requirement that an applicant cooperate with the board, and changes the verification procedure in various ways, as specified. The bill would also require the board to accept certain information as evidence to verify that a crime occurred, as specified.

Existing law specifies how an emergency award may be made to a person eligible for compensation from the board.

This bill would establish a presumption of substantial hardship for emergency award requests for relocation or funeral and burial expenses, as specified.

Existing law authorizes the board to deny an application based on the nature of the victim's or other applicant's involvement in the events leading up to the crime, as specified, and requires the board to deny an application for compensation if it finds that the victim or derivative victim failed to cooperate reasonably with a law enforcement agency in the apprehension and conviction of a criminal committing the crime. Existing law also prohibits a person who is convicted of a violent felony to receive compensation, as specified.

This bill would delete those provisions.

Existing law authorizes the board to compensate for pecuniary loss, including compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim's or derivative victim's injury or the victim's death, as specified. Existing law also provides limits on the compensation a victim and derivative victim may receive, and authorizes the board to establish service limitations for reimbursement of medical and medical-related services and for mental health and counseling services.

This bill would authorize the board, in authorizing compensation for loss of income and support, to base the loss of income on the actual loss the victim sustains or the wages that an employee would earn, as

specified, during the period that the victim is unable to work or seek work as a result of the injury for adult victims, and upon the loss the victim actually sustains for victims who are under 18 years of age at the time of the crime, as specified. The bill would also specify that an adult derivative victim and a derivative victim who was legally dependent on the victim at the time of the crime are also similarly eligible for compensation for loss of income, as specified. The bill would specify that if a victim is a minor at the time of the crime, the victim is eligible for future loss of income, calculated as specified.

This bill would specify that if an adult victim or derivative victim was not employed or receiving earned income benefits at the time of the crime, the victim or derivative victim, as applicable, shall be eligible for loss of income if they were fully or partially employed or receiving income benefits for a total of at least 2 weeks in the 12 months preceding the qualifying crime, or had an offer of employment at the time of the crime and was unable to begin employment as a result of the crime, as specified. The bill would specify that if a derivative victim who is otherwise eligible for loss of support is eligible for loss of support if the deceased victim was not employed or receiving earned income benefits at the time of the crime, but the deceased victim was fully or partially employed or receiving earned income benefits for a total of at least 2 weeks in the 12 months preceding the qualifying crime, if the victim had an offer of employment at the time of the crime and was unable to begin employment as a result of the crime.

This bill would require the board, by July 1, 2023, to adopt new guidelines to rely on a range of evidence in considering and approving claims for loss of income, as specified.

The bill would also remove or raise various limits on the compensation a victim and derivative victim may receive, as specified, and would remove the board's authority to establish service limitations. By expanding the eligibility for, and by increasing or removing limits on, compensation from a continuously appropriated fund, this bill would make an appropriation.

Existing law requires the board to approve or deny applications within an average of 90 calendar days and no later than 180 calendar days, as specified.

This bill would require the board to approve or deny applications within an average of 30 days and no later than 60 calendar days, as specified. The bill would also require the board to communicate a determination made to approve or deny an application in specified ways.

The bill would also require the board to adopt guidelines governing the information to include in these communications, as specified.

Existing law allows a person who was erroneously convicted of a felony and imprisoned in the state prison or a county jail to present a claim to the board for the injury sustained by the person through the erroneous conviction and imprisonment or incarceration.

Existing law requires a person making a claim pursuant to these provisions to prove the injury sustained by them through their erroneous conviction and incarceration. Existing law requires the board to find that the claimant has sustained injury through their erroneous conviction and imprisonment.

This bill would remove the requirement that the claimant prove, and that the board find, that the claimant sustained an injury through their erroneous conviction.

Existing law requires the board to publicize the existence of the victim compensation program, and requires a local law enforcement agency to inform crime victims of these provisions, as specified.

~~This bill would require a state or local agency to provide a potential crime victim with information regarding the board's services. *the board to provide every general acute care hospital in the state that operates an emergency deterrent with specified information, and require the hospital to display the information, as specified. The bill would also require every local law enforcement agency to inform crime victims of the existence of specified trauma recovery centers.* By requiring local law enforcement agencies to provide *additional* information to potential crime victims, this bill would impose a state-mandated local program.~~

~~Existing law generally defines various actions and omissions as criminal offenses and makes those offenses punishable as either an infraction, misdemeanor, or felony, and provides for the imposition of various enhancements.~~

~~This bill would require a court, within 30 days of sentencing or resentencing a convicted person, to provide the victim, or the family of the victim if the victim is deceased, with specified information regarding the convicted person's sentence and eligibility for early parole.~~

~~Existing law, as added by Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law, at the November 4, 2008, statewide general election, requires a law enforcement agency investigating a criminal act and an agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during followup investigation, or as soon thereafter as deemed appropriate, provide or make available to the~~

victim a “Marsy Rights” card that contains the constitutional rights of crime victims without charge or cost to the victim.

This bill would require every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a “Victim Protections and Resources” card and to provide other information, as specified. The bill would also require the Attorney General to design and make available in PDF or other imaging format to these agencies a “Victim Protections and Resources” card containing specified information. The bill would authorize the “Victim Protections and Resources” card to be designed as part of and included with the “Marsy Rights” card described above. By requiring these agencies to provide additional information to crime victims, this bill would impose a state-mandated local program.

Existing law requires the board to provide a recommendation to the Legislature that an appropriation be made for the purpose of indemnifying the claimant for the erroneous conviction injury. Existing law requires that the amount of the appropriation recommended by the board be equivalent to \$140 per day of incarceration served, as specified.

This bill would require that the compensation recommendation for a claimant be equivalent to \$70 per day served on parole or supervised release, as specified. The bill would allow recovery of reasonable attorney fees and costs, as specified, and would require that these amounts be updated annually to account for changes in the *United States Bureau of Labor Standards Statistics Consumer Price Index*, West Region.

This bill would allow a person who spent time on parole, or supervised release, as specified, prior to ~~January 1, 2023~~, *the effective date of the bill*, or who had previously brought a ~~petition claim~~ prior to that date, to bring a petition or supplementary petition for compensation, as specified, within 3 years. By expanding the eligibility for compensation, and by increasing the amount a person may receive, from a continuously appropriated fund, this bill would make an appropriation.

Existing law requires the Department of Corrections and Rehabilitation to provide notice to specified persons as soon as placement of an inmate in any reentry or work furlough program is planned, as specified.

This bill would require the department to provide a notice containing specified information to a victim or victim’s next of kin if requested, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Chapter 7.9 (commencing with Section 8699) is
2 added to Division 1 of Title 2 of the Government Code, to read:

3

4 CHAPTER 7.9. FLEXIBLE ASSISTANCE FOR SURVIVORS OF
5 VIOLENCE (FASV) PILOT GRANT PROGRAM

6

7 8699. For the purpose of this chapter, the following definitions
8 apply:

9 (a) “Community-based organization” means a nonprofit
10 organization, or organization fiscally sponsored by a nonprofit,
11 that provides direct services to survivors of violence, and includes,
12 but is not limited to, a trauma recovery center, as described in
13 Section 13963.1.

14 (b) “Family member” means any of the following:

15 (1) A person related to another by blood, adoption, or marriage.

16 (2) A household member or former household member of
17 another.

18 (3) A person who is not related by blood, adoption, or marriage
19 to another but who otherwise has a significant emotional
20 relationship with another.

21 (c) “Grant program” means the Flexible Assistance for Survivors
22 of Violence (FASV) pilot grant program established by this chapter.

23 (d) “Office” means the Office of Emergency Services.

24 (e) “Survivor of violence” means any of the following:

- 1 (1) A person who has been a victim of stalking, domestic
2 violence, sexual violence, ~~kidnaping,~~ *kidnapping*, child abuse,
3 human trafficking, or elder abuse.
- 4 (2) A person who has been physically injured by an act of force
5 by another person. An act of force under this paragraph does not
6 include an act involving the operation of a motor vehicle, aircraft,
7 or water vehicle that results in injury, except when the injury from
8 the act was any of the following:
- 9 (A) Intentionally inflicted through the use of a motor vehicle,
10 aircraft, or water vehicle.
- 11 (B) Caused by a driver who fails to stop at the scene of an
12 accident.
- 13 (C) Caused by a person who is under the influence of an
14 alcoholic beverage or a drug.
- 15 (D) Caused by a driver of a motor vehicle in the immediate act
16 of fleeing the scene of a crime in which they knowingly and
17 willingly participated.
- 18 (E) Caused by a person who commits vehicular manslaughter
19 in violation of subdivision (b) of Section 191.5, subdivision (c) of
20 Section 192, or Section 192.5 of the Penal Code.
- 21 (F) Caused by a law enforcement officer who is operating a
22 motor vehicle during hours when the officer is on duty.
- 23 (3) A person who has been threatened with physical injury or
24 reasonably believes they were threatened with physical injury by
25 another person.
- 26 (4) A person who has suffered physical injury, as a result of a
27 law enforcement officer's use of force.
- 28 (5) A person who suffers a threat of physical injury or
29 reasonably believes they were threatened with physical injury as
30 a result of a law enforcement officer's use of force.
- 31 (6) A person who has witnessed an act described under
32 paragraph (1), (2), (3), (4), or (5) and has experienced an emotional
33 injury or *is feels* threatened as a result.
- 34 ~~(7) A family member of a person who was killed in an act of~~
35 ~~force by another person as described under paragraph (2), (3), (4),~~
36 ~~or (5).~~
- 37 ~~(8)~~
- 38 (7) A family member of a person who is the victim of an act
39 described under paragraph (1), (2), (3), (4), or ~~(5).~~ (5), *including*,

1 *but not limited to, a family member of a person who is killed by*
2 *the act.*

3 8699.01. (a) The Flexible Assistance for Survivors of Violence
4 (FASV) pilot grant program is hereby established, to be
5 administered by the Office of Emergency Services, with the goal
6 of improving safety, healing, and financial stability for survivors
7 of violent acts, and the loved ones of those violently injured or
8 killed.

9 (b) FASV grants shall be made to qualifying community-based
10 organizations pursuant to this chapter for the purpose of
11 establishing assistance funds to distribute in direct cash assistance
12 to survivors of violence.

13 (c) The office shall establish a grant selection advisory
14 committee that includes, without limitation, persons who have
15 been impacted by violence, formerly incarcerated persons, and
16 persons with direct experience in implementing supportive services
17 for marginalized survivors of violence. Racial, gender, and ethnic
18 diversity, and representation of communities and identities
19 described in subdivisions (g) and (h), shall be considered for all
20 appointments. The committee shall consist of 13 members, as
21 follows:

22 (1) (A) Three representatives from community-based
23 organizations providing direct services and recovery assistance
24 such as housing, job placement, or economic support to vulnerable
25 survivors of violence.

26 (B) Of the three members described by subparagraph (A), one
27 member shall be appointed by the Governor, one member shall be
28 appointed by the Speaker of the Assembly, and one member shall
29 be appointed by the Senate Committee on Rules.

30 (2) (A) Three survivors of violence who have experience in
31 advocacy, treatment, or service provision, and who are members
32 of communities that experience disproportionately high rates of
33 gun violence and imprisonment.

34 (B) At least one of the members described in subparagraph (A)
35 shall be formerly incarcerated.

36 (C) Of the three members described by subparagraph (A), one
37 member shall be appointed by the Governor, one member shall be
38 appointed by the Speaker of the Assembly, and one member shall
39 be appointed by the Senate Committee on Rules.

1 (3) (A) Three community providers or advocates with expertise
2 in community-based violence reduction programs or initiatives
3 with a public health approach.

4 (B) Of the three members described by subparagraph (A), one
5 member shall be appointed by the Governor, one member shall be
6 appointed by the Speaker of the Assembly, and one member shall
7 be appointed by the Senate Committee on Rules.

8 (4) (A) Two mental health professionals with experience
9 providing trauma recovery services that serve residents of
10 communities that experience disproportionately high rates of gun
11 violence and imprisonment.

12 (B) Of the two members described by subparagraph (A), one
13 member shall be appointed by the Governor and one member shall
14 be appointed by the Speaker of the Assembly.

15 (5) (A) Two public health professionals.

16 (B) Of the two members described by subparagraph (A), one
17 member shall be appointed by the Governor and one member shall
18 be appointed by the Senate Committee on Rules.

19 (d) The advisory committee shall establish rules for
20 implementing this section and shall make grants under this chapter
21 on a competitive basis to community-based organizations.
22 Community-based organizations shall apply on a form prescribed
23 by the committee, which shall include, but not be limited to, all of
24 the following:

25 (1) A description of the organization's history serving one or
26 more of the groups described in subdivision (h).

27 (2) A description of how the community or communities the
28 organization serves are impacted by violence and incarceration.

29 (3) The estimated number of survivors of violence the
30 organization or program currently serves.

31 (4) The estimated number of survivors of violence to whom the
32 organization or program anticipates it will distribute grant funds.

33 (5) How the organization plans to distribute cash assistance
34 funds to survivors to meet immediate financial needs quickly.

35 (6) How the organization plans to minimize the burden on
36 survivors to provide documentation or submit paperwork.

37 (e) The advisory committee shall do all of the following:

38 (1) Strive to minimize the paperwork burden on grant applicants
39 and grantees.

1 (2) Strive to develop an application, awards, and reporting
2 process that is accessible to community-based organizations with
3 smaller budgets or without past experience receiving a state grant
4 award.

5 (3) Develop a plan to publicize the grant program in advance
6 of an application deadline.

7 (4) Provide technical assistance to applicants and grantees.

8 (5) Work with the office to develop tools to support applicants
9 applying for an award under this chapter, including, but not limited
10 to, templates and sample applications, which shall be posted
11 prominently on the office’s internet website.

12 (6) Prior to an application deadline, work with the office to
13 publicize and host at least two webinars that are open to the public
14 detailing how to apply for a grant under this chapter.

15 (f) A community-based organization shall be eligible to apply
16 for a grant under this chapter if the organization has a history of
17 serving survivors of violence and the majority of people the
18 organization, or a project within the organization that will
19 administer the grant, serves are survivors of violence.

20 (g) When considering grant applications, the advisory committee
21 shall give preference to organizations that are located in, serve,
22 and employ members of communities that experience
23 disproportionately high rates of gun violence and imprisonment.

24 (h) When considering grant applications, the advisory committee
25 shall give preference to community-based organizations that have
26 a history of providing services to vulnerable survivors, including,
27 but not limited to, the following:

28 (1) Survivors of color.

29 (2) Elderly survivors.

30 (3) Survivors with disabilities.

31 (4) Survivors who are transgender or gender nonconforming.

32 (5) Survivors who have faced disproportionate police contact.

33 (6) Survivors who are formerly incarcerated or who have past
34 arrests or convictions.

35 (7) Survivors with immigration status issues.

36 (8) Survivors who are unhoused.

37 (9) Survivors of firearm injuries.

38 (10) Survivors who have lost a family member to homicide.

39 (11) Survivors facing mental health crises.

40 (12) Low-income survivors.

- 1 (13) Survivors challenged by substance abuse.
- 2 (i) An organization receiving a grant under this chapter shall
- 3 *may* use the funds as follows:
- 4 (1) Unrestricted cash assistance to survivors of violence to meet
- 5 ~~the survivor's~~ *survivors'* financial needs ~~as affirmed by the~~
- 6 ~~survivor.~~ *or to cover survivors' expenses, distributed at the*
- 7 *discretion of the organization in amounts determined by the*
- 8 *organization based on the needs of survivors and in a way that*
- 9 *minimizes or eliminates the burden on survivors to provide external*
- 10 *documentation of their need or expenses.*
- 11 ~~(2) Unrestricted cash assistance to survivors of violence to~~
- 12 ~~reimburse the survivor's expenses as affirmed by the survivor.~~
- 13 ~~(3)~~
- 14 (2) Up to 10 percent for the organization's expenses in
- 15 administering the grant.
- 16 (j) A community-based organization receiving a grant under
- 17 this chapter shall establish policies and procedures for distributing
- 18 funds to survivors whom the organization serves that comply with
- 19 all the following:
- 20 (1) Allow survivors to attest to their ~~own needs~~ *experience of*
- 21 *violence* without obtaining external documentation of a violent
- 22 victimization.
- 23 (2) Promote distribution of funds to survivors in a manner that
- 24 meets the immediate needs of survivors quickly.
- 25 (3) Do not require survivors to engage in other services or
- 26 programs as a condition of receiving funds.
- 27 (4) Do not require survivors to provide or maintain burdensome
- 28 documentation of their need or spending.
- 29 (5) Do not require survivors to report a crime to a law
- 30 enforcement agency as a condition of receiving cash assistance.
- 31 (6) Do not exclude survivors on the basis of citizenship or
- 32 immigration status.
- 33 (7) Do not exclude survivors on the basis of an arrest or
- 34 conviction record, nor on the basis of a survivor's status under
- 35 correctional supervision.
- 36 (k) Notwithstanding any other law, cash assistance received
- 37 under this chapter shall be treated in the same manner as the federal
- 38 earned income refund for the purpose of determining eligibility to
- 39 receive benefits under Division 9 (commencing with Section

1 10000) of the Welfare and Institutions Code or amounts of those
2 benefits.

3 (l) Each grantee shall annually report to the office both of the
4 following:

5 (1) The aggregate number of survivors who received cash
6 assistance through the grant program.

7 (2) The average amount of assistance each survivor received
8 through the grant program.

9 (m) The office may use up to 5 percent of the funds appropriated
10 for the grant program each year for the costs of administering the
11 grant program, including, without limitation, employing personnel,
12 providing technical assistance to grantees or prospective grantees,
13 and issuing a report on the impacts of the grant program.

14 8699.02. Before July 1, 2027, the office shall post on its internet
15 website a public report on the impact of the grant program, which
16 shall include policy recommendations to provide guidance to the
17 Legislature and Governor in fully implementing and scaling a
18 permanent grant program.

19 8699.03. This chapter shall become inoperative on July 1, 2027,
20 and, as of January 1, 2028, is repealed.

21 SEC. 2. Section 13901 of the Government Code is amended
22 to read:

23 13901. (a) There is within the Government Operations Agency
24 the California Victim Compensation Board.

25 (b) The board consists of all of the following:

26 (1) The Secretary of Government Operations or their designee
27 acting ex officio.

28 (2) The Controller acting ex officio.

29 (3) A person who shall be appointed by and serve at the pleasure
30 of the Governor. This person may be a state officer who shall act
31 ex officio.

32 (4) A person who shall be appointed by and serve at the pleasure
33 of the Senate Committee on Rules who is a member of the public
34 with expertise in restorative justice.

35 (c) A person shall not be prohibited from serving on the board
36 solely because of that person's prior criminal record.

37 SEC. 3. Section 13902 of the Government Code is amended
38 to read:

39 13902. If the member appointed under paragraph (3) or (4) of
40 subdivision (b) of Section 13901 is not a state officer acting ex

1 officio, the member shall receive fifty dollars (\$50) for every day
2 of actual attendance at meetings of the board not in excess of eight
3 meetings per month, together with necessary traveling expenses
4 in attending these meetings.

5 SEC. 4. Section 13951 of the Government Code is amended
6 to read:

7 13951. As used in this chapter, the following definitions shall
8 apply:

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

10 (b) (1) “Crime” means a crime or public offense, wherever it
11 may take place, that would constitute a misdemeanor or a felony
12 if the crime had been committed in California by a competent
13 adult.

14 (2) “Crime” includes an act of terrorism, as defined in Section
15 2331 of Title 18 of the United States Code, committed against a
16 resident of the state, whether or not the act occurs within the state.

17 (c) “Derivative victim” means an individual who sustains
18 pecuniary loss as a result of injury or death to a victim and who
19 did not commit the crime that caused the victim’s injury or death.

20 (d) “Law enforcement” means every district attorney, municipal
21 police department, sheriff’s department, district attorney’s office,
22 county probation department, and social services agency, the
23 Department of Justice, the Department of Corrections, the
24 ~~Department of the Youth Authority~~, *California Division of Juvenile*
25 *Justice*, the Department of the California Highway Patrol, the
26 police department of any campus of the University of California,
27 California State University, or community college, and every
28 agency of the State of California expressly authorized by statute
29 to investigate or prosecute law violators.

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

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

1 (g) “Victim” means an individual who sustains injury or death
2 as a direct result of an act or omission of another that is a crime
3 as specified in subdivision (e) of Section 13955.

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

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

12 SEC. 5. Section 13952 of the Government Code is amended
13 to read:

14 13952. (a) An application for compensation shall be filed with
15 the board in the manner determined by the board.

16 (b) (1) The application for compensation shall be verified under
17 penalty of perjury by the individual who is seeking compensation,
18 who may be the victim or derivative victim, or an individual
19 seeking reimbursement for burial, funeral, or crime scene cleanup
20 expenses pursuant to subdivision (a) of Section 13957. If the
21 individual seeking compensation is a minor or is incompetent, the
22 application shall be verified under penalty of perjury or on
23 information and belief by the parent with legal custody, guardian,
24 conservator, or relative caregiver of the victim or derivative victim
25 for whom the application is made. However, if a minor seeks
26 compensation only for expenses for medical, medical-related,
27 psychiatric, psychological, or other mental health
28 counseling-related services and the minor is authorized by statute
29 to consent to those services, the minor may verify the application
30 for compensation under penalty of perjury.

31 (2) For purposes of this subdivision, “relative caregiver” means
32 a relative as defined in paragraph (2) of subdivision (h) of Section
33 6550 of the Family Code, who assumed primary responsibility for
34 the child while the child was in the relative’s care and control, and
35 who is not a biological or adoptive parent.

36 (c) (1) The board may require submission of additional
37 information supporting the application that is reasonably necessary
38 to verify the application and determine eligibility for compensation.
39 However, the board shall not require the submission of additional
40 information solely to verify that the crime occurred if the board

1 has received an acceptable form of evidence that the crime occurred
2 as described by subdivision ~~(a)~~ (c) of Section 13956. Nothing in
3 this paragraph shall be construed to limit the ability of the board
4 to contact an agency, organization, court, or individual from which
5 a form of evidence that the board has received originates to confirm
6 the evidence's authenticity.

7 (2) (A) The staff of the board shall determine whether an
8 application for compensation contains all of the information
9 required by the board. If the staff determines that an application
10 does not contain all of the required information, the staff shall
11 communicate that determination to the applicant with a brief
12 statement of the additional information required. The applicant,
13 within 365 calendar days of being notified that the application is
14 incomplete, may either supply the additional information or appeal
15 the staff's determination to the board, which shall review the
16 application to determine whether it is complete.

17 (B) The board shall communicate a determination made under
18 this paragraph to the applicant or the applicant's authorized
19 representative in the language selected by the applicant pursuant
20 to paragraph (4) of subdivision (d) by personal delivery or by all
21 of the following means for which the board has access to an
22 applicant's contact information and by which the applicant has
23 consented to being contacted:

24 (i) Mail.

25 (ii) Email.

26 (iii) Text message.

27 (iv) Personal telephone call. The board satisfies this
28 subparagraph if the board or victim center places a telephone call
29 to the applicant or authorized representative regardless of whether
30 the applicant or authorized representative is available to answer
31 the telephone call.

32 (3) The board shall not require an applicant to submit
33 documentation from the Internal Revenue Service, the Franchise
34 Tax Board, the State Board of Equalization, the Social Security
35 Administration, or the Employment Development Department to
36 determine eligibility for compensation. The board may require and
37 use documentation from these entities to verify the amount of
38 compensation for income or support loss.

1 (d) (1) The board may recognize an authorized representative
2 of the victim or derivative victim, who shall represent the victim
3 or derivative victim pursuant to rules adopted by the board.

4 (2) For purposes of this section, “authorized representative”
5 means any of the following:

6 (A) Any person who has written authorization by the victim or
7 derivative victim. However, a medical or mental health provider,
8 or agent of the medical or mental health provider, who has provided
9 services to the victim or derivative victim shall not be allowed to
10 be an authorized representative.

11 (B) Any person designated by law including, but not limited to,
12 a legal guardian, conservator, or social worker.

13 (3) Except for attorney’s fees awarded under this chapter, no
14 authorized representative described in paragraph (2) shall charge,
15 demand, receive, or collect any amount for services rendered under
16 this subdivision.

17 (4) The initial application materials sent by the board to an
18 applicant and any supplemental forms shall be written in English,
19 Spanish, Chinese, Vietnamese, Korean, East Armenian, Tagalog,
20 Russian, Arabic, Farsi, Hmong, Khmer, Punjabi, and Lao. If the
21 applicant selects one of the languages listed in this subdivision,
22 the board shall send all subsequent communications in that
23 language.

24 SEC. 6. Section 13952.5 of the Government Code is amended
25 to read:

26 13952.5. (a) (1) An emergency award shall be available to a
27 person eligible for compensation pursuant to this chapter if the
28 board determines that such an award is necessary to avoid or
29 mitigate substantial hardship that may result from delaying
30 compensation until complete and final consideration of an
31 application.

32 (2) If an emergency award is requested for relocation expenses
33 or funeral and burial expenses, the board shall presume that
34 substantial hardship would result from delaying compensation
35 until complete and final consideration of an application unless the
36 board has received substantial evidence to the contrary.

37 (b) The board shall establish the method for requesting an
38 emergency award, which may include, but need not be limited to,
39 requiring submission of the regular application as provided for in
40 Section 13952.

1 (c) (1) The board may grant an emergency award based solely
2 on the application of the victim or derivative victim. The board
3 may refuse to grant an emergency award where it has reason to
4 believe that the applicant will not be eligible for compensation
5 under this chapter.

6 (2) By mutual agreement between the staff of the board and the
7 applicant or the applicant's representative, the staff of the board
8 may take additional 10-day periods to verify the emergency award
9 claim and make payment.

10 (3) The board may delegate authority to designated staff persons
11 and designated agencies, including, but not limited to, district
12 attorneys, probation departments, victim centers, and other victim
13 service providers approved by the board and under contract with
14 the board, who shall use guidelines established by the board, to
15 grant and disburse emergency awards.

16 (d) Disbursements of funds for emergency awards shall be made
17 within 15 calendar days of application.

18 (e) (1) If an application for an emergency award is denied, the
19 board shall notify the applicant in writing of the reasons for the
20 denial. The board shall clearly state in bold lettering at the top and
21 bottom of the notification of an emergency award denial that the
22 applicant's regular application is still being processed, the
23 notification does not constitute a denial of the application as a
24 whole, and the applicant may still be eligible for a regular award.

25 (2) An applicant for an emergency award shall not be entitled
26 to a hearing before the board to contest a denial of an emergency
27 award. However, denial of an emergency award shall not prevent
28 further consideration of the application for a regular award and
29 shall not affect the applicant's right to a hearing pursuant to Section
30 13959 if staff recommends denial of a regular award.

31 (f) (1) If upon final disposition of the regular application, it is
32 found that the applicant is not eligible for compensation from the
33 board, the applicant shall reimburse the board for the emergency
34 award pursuant to an agreed-upon repayment schedule.

35 (2) If upon a final disposition of the application, the board grants
36 compensation to the applicant, the amount of the emergency award
37 shall be deducted from the final award of compensation. If the
38 amount of the compensation is less than the amount of the
39 emergency award, the excess amount shall be treated as an
40 overpayment pursuant to Section 13965.

1 (3) “Final disposition,” for the purposes of this section, shall
2 mean the final decision of the board with respect to the victim’s
3 or derivative victim’s application, before any action for judicial
4 review is instituted.

5 (g) The amount of an emergency award shall be dependent upon
6 the immediate needs of the victim or derivative victim subject to
7 rates and limitations established by the board.

8 SEC. 7. Section 13954 of the Government Code is amended
9 to read:

10 13954. (a) (1) (A) If the information provided to the board
11 is insufficient to reasonably verify the application or claim by a
12 preponderance of the evidence, the board may verify with hospitals,
13 physicians, law enforcement officials, or other interested parties
14 ~~involved~~ *involved*, the treatment of the victim or derivative victim,
15 circumstances of the crime, amounts paid or received by or for the
16 victim or derivative victim, or any other pertinent information
17 deemed necessary by the board.

18 (B) The board shall not seek nor require additional information
19 from a law enforcement agency or another third party solely to
20 verify that the crime occurred if the board has already received a
21 valid form of verification listed under subdivision ~~(a)~~ (c) of Section
22 13956.

23 (C) Nothing in this paragraph shall be construed to limit the
24 ability of the board to contact the agency, organization, court, or
25 individual from which a form of evidence that the board has
26 received evidencing that the crime occurred originates, to confirm
27 its authenticity.

28 (2) (A) Verification information shall be returned to the board
29 within 10 business days after a request for verification has been
30 made by the board. Verification information shall be provided at
31 no cost to the applicant, the board, or victim centers. When
32 requesting verification information, the board shall certify that a
33 signed authorization by the applicant is retained in the applicant’s
34 file and that this certification constitutes actual authorization for
35 the release of information, notwithstanding any other provision of
36 law. If requested by a physician or mental health provider, the
37 board shall provide a copy of the signed authorization for the
38 release of information.

39 ~~(B) Verification information shall be returned to the board within~~
40 ~~10 business days after a request for verification has been made by~~

1 the board. Verification information shall be provided at no cost to
2 the applicant, the board, or victim centers. When requesting
3 verification information, the board shall certify that a signed
4 authorization by the applicant is retained in the applicant's file and
5 that this certification constitutes actual authorization for the release
6 of information, notwithstanding any other provision of law. If
7 requested by a physician or mental health provider, the board shall
8 provide a copy of the signed authorization for the release of
9 information.

10 (B) *If verification information is not returned to the board within*
11 *10 business days as required by this subdivision and the*
12 *information the board has received to date favors approval of the*
13 *application or claim, the board shall presume the information it*
14 *has received to date is accurate and proceed with approving the*
15 *application or claim without further delay.*

16 (b) The board may, in its discretion, reject a claim for
17 compensation by an applicant for a pecuniary loss if the applicant
18 refuses to apply for other benefits potentially available to them to
19 cover the pecuniary loss from other sources besides the board,
20 including, but not limited to, worker's compensation, state
21 disability insurance, social security benefits, and unemployment
22 insurance.

23 (c) The board may contract with victim centers to provide
24 verification of applications processed by the centers pursuant to
25 conditions stated in subdivision (a). The board and its staff shall
26 cooperate with the Office of Criminal Justice Planning and victim
27 centers in conducting training sessions for center personnel and
28 shall cooperate in the development of standardized verification
29 procedures to be used by the victim centers in the state. The board
30 and its staff shall cooperate with victim centers in disseminating
31 standardized board policies and findings as they relate to the
32 centers.

33 (d) (1) Notwithstanding Section 827 of the Welfare and
34 Institutions Code or any other provision of law, every law
35 enforcement and social service agency in the state shall provide
36 to the board or to victim centers that have contracts with the board
37 pursuant to subdivision (c), upon request, a complete copy of the
38 law enforcement report, if available, and any supplemental reports
39 involving the crime or incident giving rise to a claim, a copy of a
40 petition filed in a juvenile court proceeding, reports of the probation

1 officer, and any other document made available to the probation
2 officer or to the judge, referee, or other hearing officer, for the
3 specific purpose of determining the eligibility of a claim filed
4 pursuant to this chapter.

5 (2) The board and victim centers receiving records pursuant to
6 this subdivision may not disclose a document that personally
7 identifies a minor to anyone other than the minor who is so
8 identified, the minor's custodial parent or guardian, the attorneys
9 for those parties, and any other persons that may be designated by
10 court order. Any information received pursuant to this section shall
11 be received in confidence for the limited purpose for which it was
12 provided and may not be further disseminated. A violation of this
13 subdivision is a misdemeanor punishable by a fine not to exceed
14 five hundred dollars (\$500).

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

19 (e) Notwithstanding any other provision of law, every state
20 agency, upon receipt of a copy of a release signed in accordance
21 with the Information Practices Act of 1977 (Chapter 1
22 commencing with Section 1798) of Title 1.8 of Part 4 of Division
23 3 of the Civil Code) by the applicant or other authorized
24 representative, shall provide to the board or victim center, upon
25 request of the board or victim center, the information necessary
26 to complete the verification of an application filed pursuant to this
27 chapter.

28 (f) Upon application of the board, the Department of Justice
29 shall furnish all information necessary to recover any restitution
30 fine or order obligations that are owed to the Restitution Fund or
31 to any victim of crime.

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

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

38 (i) Any county social worker acting as the applicant for a child
39 victim or elder abuse victim shall not be required to provide
40 personal identification, including, but not limited to, the applicant's

1 date of birth or social security number. County social workers
 2 acting in this capacity shall not be required to sign a promise of
 3 repayment to the board.

4 SEC. 8. Section 13956 of the Government Code is amended
 5 to read:

6 13956. (a) ~~(1) An application for a claim shall not be denied~~
 7 ~~if the board does not receive evidence of the crime, as follows:~~
 8 *denied, in whole or in part, solely because a police report was not*
 9 *made.*

10 *(2) An application for a claim shall not be denied, in whole or*
 11 *in part, based solely on the contents of a police report.*

12 *(3) An application for a claim shall not be denied, in whole or*
 13 *in part, based solely on whether a suspect was arrested or charged*
 14 *with the qualifying crime.*

15 *(b) The board shall adopt guidelines that allow it to consider*
 16 *and approve applications that rely on evidence other than a police*
 17 *report to establish that a crime has occurred.*

18 ~~(1)~~

19 (c) The board shall accept any one of the following forms of
 20 evidence, without limitation, to verify that a crime occurred:

21 ~~(A)~~

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

24 ~~(B)~~

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

27 ~~(C)~~

28 *(3) A permanent restraining order or protective order issued by*
 29 *a court to protect or separate the victim or derivative victim from*
 30 *the person alleged to have committed the qualifying crime.*

31 ~~(D)~~

32 *(4) A statement from a licensed medical professional,*
 33 *physician's assistant, nurse practitioner, or other person licensed*
 34 *to provide medical or mental health care documenting that the*
 35 *victim experienced physical, mental, or emotional injury as a result*
 36 *of the qualifying crime.*

37 ~~(E)~~

38 *(5) A police report or another written or oral report from a law*
 39 *enforcement agency.*

1 ~~(2) The board shall adopt guidelines that allow it to consider~~
2 ~~and approve applications for assistance relying on evidence other~~
3 ~~than a police report to establish that a crime has occurred.~~

4 ~~(3) The board shall not deny an application, in whole or in part,~~
5 ~~based solely on any of the following:~~

6 ~~(A) The contents of a police report.~~

7 ~~(B) The lack of a police report.~~

8 ~~(C) Whether a suspect was arrested or charged with the~~
9 ~~qualifying crime.~~

10 ~~(b)~~

11 ~~(d) A person making a statement or report regarding a qualifying~~
12 ~~crime under subparagraph (B), (D), or (E) paragraph (2), (4), or~~
13 ~~(5) of paragraph (1) of subdivision (a) (c) may consider any~~
14 ~~information or evidence they deem relevant.~~

15 ~~(e)~~

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

27 ~~(f)~~

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

38 ~~(g)~~

39 ~~(g) An application for a claim based on human trafficking as~~
40 ~~defined in Section 236.1 of the Penal Code shall not be denied~~

1 solely because a police report was not made by the victim. The
2 board shall adopt guidelines that allow the board to consider and
3 approve applications for assistance based on human trafficking
4 relying upon evidence other than a police report to establish that
5 a human trafficking crime has occurred. That evidence may include
6 any reliable corroborating information approved by the board,
7 including, but not limited to, the following:

8 (A) A Law Enforcement Agency Endorsement issued pursuant
9 to Section 236.5 of the Penal Code.

10 (B) A human trafficking caseworker, as identified in Section
11 1038.2 of the Evidence Code, has attested by affidavit that the
12 individual was a victim of human trafficking.

13 (F)

14 (h) (1) An application for a claim by a military personnel victim
15 based on a sexual assault by another military personnel shall not
16 be denied solely because it was not reported to a superior officer
17 or law enforcement at the time of the crime.

18 (2) Factors that the board shall consider for purposes of
19 determining if a claim qualifies for compensation include, but are
20 not limited to, the evidence of the following:

21 (A) Restricted or unrestricted reports to a military victim
22 advocate, sexual assault response coordinator, chaplain, attorney,
23 or other military personnel.

24 (B) Medical or physical evidence consistent with sexual assault.

25 (C) A written or oral report from military law enforcement or
26 a civilian law enforcement agency concluding that a sexual assault
27 crime was committed against the victim.

28 (D) A letter or other written statement from a sexual assault
29 counselor, as defined in Section 1035.2 of the Evidence Code,
30 licensed therapist, or mental health counselor, stating that the
31 victim is seeking services related to the allegation of sexual assault.

32 (E) A credible witness to whom the victim disclosed the details
33 that a sexual assault crime occurred.

34 (F) A restraining order from a military or civilian court against
35 the perpetrator of the sexual assault.

36 (G) Other behavior by the victim consistent with sexual assault.

37 (3) For purposes of this subdivision, the sexual assault at issue
38 shall have occurred during military service, including deployment.

39 (4) For purposes of this subdivision, the sexual assault may have
40 been committed off base.

1 (5) For purposes of this subdivision, a “perpetrator” means an
2 individual who is any of the following at the time of the sexual
3 assault:

4 (A) An active duty military personnel from the United States
5 Army, Navy, Marine Corps, Air Force, or Coast Guard.

6 (B) A civilian employee of any military branch specified in
7 clause (i), military base, or military deployment.

8 (C) A contractor or agent of a private military or private security
9 company.

10 (D) A member of the California National Guard.

11 (6) For purposes of this subdivision, “sexual assault” means an
12 offense included in Section 261, 264.1, 286, 287, ~~formerly former~~
13 *Section* 288a, or Section 289 of the Penal Code, as of January 1,
14 2015.

15 ~~(g)~~

16 (i) The board shall post informational materials promoting victim
17 cooperation with law enforcement agencies and criminal
18 investigations on its internet website and make such materials
19 available to applicants directly upon request. The board shall
20 include in these materials contact information for service providers
21 that are available to help the victim contact and cooperate with
22 law enforcement and information about victim rights regarding
23 participation in an investigation or prosecution. The board shall
24 state prominently in these materials that cooperation with law
25 enforcement is not a requirement for eligibility to receive
26 compensation under this chapter.

27 ~~(h)~~

28 (j) The board shall not deny an application, in whole or in part,
29 based on a lack of cooperation by a victim or derivative victim
30 with a law enforcement agency.

31 ~~(i)~~

32 (k) Compensation shall not be granted to an applicant pursuant
33 to this chapter while the applicant is required to register as a sex
34 offender pursuant to Section 290 of the Penal Code.

35 SEC. 9. Section 13957 of the Government Code is amended
36 to read:

37 13957. (a) The board may grant for pecuniary loss, when the
38 board determines it will best aid the person seeking compensation,
39 as follows:

1 (1) Subject to the limitations set forth in Section 13957.2,
2 reimburse the amount of medical or medical-related expenses
3 incurred by the victim for services that were provided by a licensed
4 medical provider, including, but not limited to, eyeglasses, hearing
5 aids, dentures, or any prosthetic device taken, lost, or destroyed
6 during the commission of the crime, or the use of which became
7 necessary as a direct result of the crime.

8 (2) Subject to the limitations set forth in Section 13957.2,
9 reimburse the amount of psychiatric, psychological, or other mental
10 health counseling-related expenses incurred by the victim or
11 derivative victim, including peer counseling services provided by
12 a rape crisis center as defined by Section 13837 of the Penal Code,
13 and including family psychiatric, psychological, or mental health
14 counseling for the successful treatment of the victim provided to
15 family members of the victim in the presence of the victim, whether
16 or not the family member relationship existed at the time of the
17 crime, that became necessary as a direct result of the crime, subject
18 to the following conditions:

19 (A) The following persons may be reimbursed for the expense
20 of their outpatient mental health counseling:

21 (i) A victim.

22 (ii) A derivative victim who is the surviving parent, grandparent,
23 sibling, child, grandchild, spouse, or fiancé of a victim of a crime
24 that directly resulted in the death of the victim.

25 (iii) A derivative victim, as described in paragraphs (1) to (4),
26 inclusive, of subdivision (c) of Section 13955, who is the primary
27 caretaker of a minor victim whose claim is not denied or reduced
28 pursuant to Section 13956 for not more than two derivative victims.

29 (iv) A derivative victim not eligible for reimbursement pursuant
30 to clause (iii), provided that mental health counseling of a
31 derivative victim described in paragraph (5) of subdivision (c) of
32 Section 13955, shall be reimbursed only if that counseling is
33 necessary for the treatment of the victim.

34 (v) A minor who suffers emotional injury as a direct result of
35 witnessing a violent crime and who is not eligible for
36 reimbursement of the costs of outpatient mental health counseling
37 under any other provision of this chapter. To be eligible for
38 reimbursement under this clause, the minor must have been in
39 close proximity to the victim when the minor witnessed the crime.

1 (B) The board may reimburse a victim or derivative victim for
2 inpatient psychiatric, psychological, or other mental health
3 counseling if the claim is based on dire or exceptional
4 circumstances that require more extensive treatment, as approved
5 by the board. *treatment.*

6 (C) Expenses for psychiatric, psychological, or other mental
7 health counseling-related services may be reimbursed only if the
8 services were provided by either of the following individuals:

9 (i) A person who would have been authorized to provide those
10 services pursuant to former Article 1 (commencing with Section
11 13959) as it read on January 1, 2002.

12 (ii) A person who is licensed in California to provide those
13 services, or who is properly supervised by a person who is licensed
14 in California to provide those services, subject to the board's
15 approval and subject to the limitations and restrictions the board
16 may impose.

17 (3) Subject to the limitations set forth in Section 13957.5,
18 authorize compensation equal to the loss of income or loss of
19 support, or both, that a victim or derivative victim incurs as a direct
20 result of the victim's or derivative victim's injury or the victim's
21 death. If the qualifying crime is a violation of Section 236.1 of the
22 Penal Code, the board may authorize compensation equal to loss
23 of income or support that a victim incurs as a direct result of the
24 victim's deprivation of liberty during the crime, not to exceed the
25 amount set forth in Section 13957.5. If the victim or derivative
26 victim requests that the board give priority to reimbursement of
27 loss of income or support, the board may not pay medical expenses,
28 or mental health counseling expenses, except upon the request of
29 the victim or derivative victim or after determining that payment
30 of these expenses will not decrease the funds available for payment
31 of loss of income or support.

32 (4) Authorize a cash payment to or on behalf of the victim for
33 job retraining or similar employment-oriented services.

34 (5) Reimburse the expense of installing or increasing residential
35 security, not to exceed one thousand dollars (\$1,000). Installing
36 or increasing residential security may include, but need not be
37 limited to, both of the following:

38 (A) Home security device or system.

39 (B) Replacing or increasing the number of locks.

1 (6) Reimburse the expense of renovating or retrofitting a
2 victim's residence, or the expense of modifying or purchasing a
3 vehicle, to make the residence or the vehicle accessible or
4 operational by a victim upon verification that the expense is
5 medically necessary for a victim who is permanently disabled as
6 a direct result of the crime, whether the disability is partial or total.

7 (7) (A) Authorize a cash payment or reimbursement not to
8 exceed seven thousand five hundred dollars (\$7,500) to a victim
9 or derivative victim for expenses incurred in relocating, if the
10 applicant provides a signed statement indicating that relocation is
11 necessary for the personal safety or emotional well-being of the
12 victim or derivative victim as a result of the qualifying crime. For
13 purposes of this paragraph, "expenses incurred in relocating" may
14 include the costs of temporary housing for any pets belonging to
15 the victim upon immediate relocation.

16 (B) The cash payment or reimbursement made under this
17 paragraph shall only be awarded to one claimant per crime giving
18 rise to the relocation. The board may authorize more than one
19 relocation per crime if necessary for the personal safety or
20 emotional well-being of the victim or, if the victim is deceased, a
21 derivative victim who resided with the victim at the time of the
22 qualifying crime. However, the total cash payment or
23 reimbursement for all relocations due to the same crime shall not
24 exceed seven thousand five hundred dollars (\$7,500). For purposes
25 of this paragraph, a claimant is the crime victim, or, if the victim
26 is deceased, a person who resided with the deceased at the time of
27 the crime.

28 (C) The board may, under compelling circumstances, award a
29 second cash payment or reimbursement to a victim for another
30 crime if both of the following conditions are met:

31 (i) The crime occurs more than three years from the date of the
32 crime giving rise to the initial relocation cash payment or
33 reimbursement.

34 (ii) The crime does not involve the same offender.

35 (D) Notwithstanding subparagraphs (A) and (B), the board may
36 increase the cash payment or reimbursement for expenses incurred
37 in relocating to an amount greater than seven thousand five hundred
38 dollars ~~(\$7,500)~~ (\$7,500), if the board finds this amount is
39 appropriate due to the unusual, dire, or exceptional circumstances
40 of a particular claim.

1 (E) If a security deposit, pet deposit, or both is required for
2 relocation, the board shall be named as the recipient and receive
3 the funds upon expiration of the victim's rental agreement.

4 (8) When a victim dies as a result of a crime, the board may
5 reimburse any individual who voluntarily, and without anticipation
6 of personal gain, pays or assumes the obligation to pay any of the
7 following expenses:

8 (A) The medical expenses incurred as a direct result of the crime
9 in an amount not to exceed the rates or limitations established by
10 the board.

11 (B) The funeral and burial expenses incurred as a direct result
12 of the crime, not to exceed twenty thousand dollars (\$20,000). The
13 board shall not create or comply with a regulation or policy that
14 mandates a lower maximum potential amount of an award pursuant
15 to this subparagraph for less than twenty thousand dollars
16 (\$20,000).

17 (9) When the crime occurs in a residence or inside a vehicle,
18 the board may reimburse any individual who voluntarily, and
19 without anticipation of personal gain, pays or assumes the
20 obligation to pay the reasonable costs to clean the scene of the
21 crime in an amount not to exceed one thousand seven hundred
22 dollars (\$1,700). Services reimbursed pursuant to this subdivision
23 shall be performed by persons registered with the State Department
24 of Public Health as trauma scene waste practitioners in accordance
25 with Chapter 9.5 (commencing with Section 118321) of Part 14
26 of Division 104 of the Health and Safety Code.

27 (10) When the crime is a violation of Section 600.2 or 600.5 of
28 the Penal Code, the board may reimburse the expense of veterinary
29 services, replacement costs, or other reasonable expenses, as
30 ordered by the court pursuant to Section 600.2 or 600.5 of the
31 Penal Code, in an amount not to exceed ten thousand dollars
32 (\$10,000).

33 (11) An award of compensation pursuant to paragraph (5) of
34 subdivision (f) of Section 13955 shall be limited to compensation
35 to provide mental health counseling and shall not limit the
36 eligibility of a victim for an award that the victim may be otherwise
37 entitled to receive under this part. A derivative victim shall not be
38 eligible for compensation under this provision.

39 (b) The total award to or on behalf of each victim or derivative
40 victim shall not exceed one hundred thousand dollars (\$100,000).

1 SEC. 10. Section 13957.2 of the Government Code is amended
2 to read:

3 13957.2. (a) The board may establish maximum rates for
4 reimbursement of medical and medical-related services and for
5 mental health and counseling services. The adoption, amendment,
6 and repeal of these maximum rates shall not be subject to the
7 rulemaking provision of the Administrative Procedure Act (Chapter
8 3.5 (commencing with Section 11340) of Part 1). An informational
9 copy of the maximum rates shall be filed with the Secretary of
10 State upon adoption by the board. Any reduction in the maximum
11 rates shall not affect payment or reimbursement of losses incurred
12 prior to three months after the adoption of the reduction. A provider
13 who accepts payment from the program for a service shall accept
14 the program's rates as payment in full and shall not accept any
15 payment on account of the service from any other source if the
16 total of payments accepted would exceed the maximum rate set
17 by the board for that service. A provider shall not charge a victim
18 or derivative victim for any difference between the cost of a service
19 provided to a victim or derivative victim and the program's
20 payment for that service.

21 (b) Reimbursement for any medical, medical-related, or mental
22 health services shall, if the application has been approved, be paid
23 by the board within an average of 90 days from receipt of the claim
24 for payment. If the board determines that payments to a provider
25 will be discontinued, the board shall notify the provider of their
26 discontinuance within 30 calendar days of its determination.

27 SEC. 11. Section 13957.5 of the Government Code is amended
28 to read:

29 13957.5. (a) In authorizing compensation for loss of income
30 and support pursuant to paragraph (3) of subdivision (a) of Section
31 13957, the board may take any of the following actions:

32 (1) Subject to paragraph (7), compensate the victim for loss of
33 income directly resulting from the injury, except that loss of income
34 shall not be paid by the board for more than five years following
35 the crime, unless the victim is disabled as defined in Section 416(i)
36 of Title 42 of the United States Code, as a direct result of the injury.
37 For adult victims, loss of income under this paragraph shall be
38 based on the actual loss the victim sustains or the wages an
39 employee would earn if employed for 35 hours per week at the
40 minimum wage required by Section 1182.12 of the Labor Code

1 during the period that the victim is unable to work or seek work
2 as a result of the injury, whichever is greater. For victims who are
3 under 18 years of age at the time of the crime, loss of income under
4 this paragraph shall be based upon the actual loss the victim
5 sustains.

6 (2) Compensate an adult derivative victim for loss of income,
7 subject to all of the following:

8 (A) The derivative victim is the parent, legal guardian, or spouse
9 of the victim, or if no parent, legal guardian, or spouse of the victim
10 is present at the hospital, is another derivative victim, who is
11 present at the hospital during the period the victim is hospitalized
12 as a direct result of the crime.

13 (B) The victim's treating physician certifies in writing that the
14 presence of the derivative victim at the hospital is reasonably
15 necessary for the treatment of the victim, or is reasonably necessary
16 for the victim's psychological well-being.

17 (C) Reimbursement for loss of income under this paragraph
18 shall not exceed the total value of the income that would have been
19 earned, calculated as described in subparagraph (E), by the adult
20 derivative victim during a 30-day period.

21 (D) A derivative victim is eligible for loss of income under this
22 paragraph if the derivative victim otherwise meets the requirements
23 of subparagraphs (A) and (B) and paragraph (7), regardless of
24 whether the derivative victim is employed or receiving earned
25 income benefits at the time of the crime.

26 (E) The board shall determine the value of the income that would
27 have been earned based upon the actual loss that the derivative
28 victim sustains or the wages the derivative victim would earn if
29 employed for 35 hours per week at the minimum wage required
30 by Section 1182.12 of the Labor Code during the period in which
31 the derivative victim was required to be present at the hospital,
32 whichever is greater.

33 (3) Compensate an adult derivative victim for loss of income,
34 subject to all of the following:

35 (A) The victim died as a direct result of the crime.

36 (B) (i) If the derivative victim is the spouse of the victim, is
37 the parent of the victim, was living in the household of the victim
38 at the time of the crime, was the legal guardian of the victim at the
39 time of the crime, or was the legal guardian of the victim when
40 the victim was under 18 years of age, the board shall pay for loss

1 of income under this paragraph for not more than 30 calendar days
2 occurring within 90 calendar days of the victim's death.

3 (ii) For a derivative victim not included in clause (i), the board
4 shall pay for loss of income under this paragraph for not more than
5 seven calendar days occurring within 90 calendar days of the
6 victim's death.

7 (C) A derivative victim is eligible for loss of income under this
8 paragraph if the victim meets the requirements of subparagraph
9 (A) and the derivative victim meets the requirements of paragraph
10 (7), regardless of whether the derivative victim is employed or
11 received earned income benefits at the time of the crime.

12 (D) Loss of income under this paragraph shall be based on the
13 actual loss the derivative victim sustains for not longer than the
14 period described under subparagraph (B) of this paragraph or the
15 wages the derivative victim would earn if employed for 35 hours
16 per week at the minimum wage required by Section 1182.12 of
17 the Labor Code for not longer than the period described under
18 subparagraph (B), whichever is greater.

19 (4) Compensate a derivative victim who was legally dependent
20 on the victim at the time of the crime for the loss of support
21 incurred by that person as a direct result of the crime, subject to
22 all of the following:

23 (A) Loss of support shall be paid by the board for income lost
24 by an adult for a period up to, but not more than, five years
25 following the date of the crime.

26 (B) Loss of support shall not be paid by the board on behalf of
27 a minor for a period beyond the child's attaining 18 years of age.

28 (C) Loss of support under this paragraph shall be based on the
29 actual loss the derivative victim sustains or the wages an employee
30 would earn if employed 35 hours per week at the minimum wage
31 required by Section 1182.1 of the Labor Code, whichever is greater.

32 (5) (A) If the qualifying crime is a violation of Section 236.1
33 of the Penal Code, and the victim has not been and will not be
34 compensated from any other source, compensate the victim for
35 loss of income or support directly resulting from the deprivation
36 of liberty during the crime based upon the value of the victim's
37 labor as guaranteed under California law at the time that the
38 services were performed for the number of hours that the services
39 were performed, for up to 40 hours per week.

1 (B) On or before July 1, 2020, the board shall adopt guidelines
2 that allow it to rely on evidence other than official employment
3 documentation in considering and approving an application for
4 that compensation. The evidence may include any reliable
5 corroborating information approved by the board, including, but
6 not limited to, a statement under penalty of perjury from the
7 applicant, a human trafficking caseworker as defined in Section
8 1038.2 of the Evidence Code, a licensed attorney, or a witness to
9 the circumstances of the crime.

10 (C) Compensation for loss of income paid by the board pursuant
11 to this paragraph shall not exceed ten thousand dollars (\$10,000)
12 per year that the services were performed, for a maximum of two
13 years.

14 (D) If the victim is a minor at the time of application, the board
15 shall distribute payment under this paragraph when the minor
16 reaches 18 years of age.

17 (6) If the victim is a minor at the time of the crime, the victim
18 shall be eligible for future loss of income due to disability from
19 future employment directly resulting from the injury at a rate an
20 employee would earn if employed for 35 hours per week at the
21 minimum wage required at the time of the crime by Section
22 1182.12 of the Labor Code for a maximum of one year.

23 (7) A victim or derivative victim who is otherwise eligible for
24 loss of income under paragraph (1), (2), or (3) shall be eligible for
25 loss of income if they were employed or receiving earned income
26 benefits at the time of the crime. If an adult victim or derivative
27 victim was not employed or receiving earned income benefits at
28 the time of the crime, they shall be eligible for loss of income
29 under paragraph (1), (2), or (3) if the victim or derivative victim
30 was fully or partially employed or receiving income benefits for
31 a total of at least 2 weeks in the 12 months preceding the qualifying
32 crime, or had an offer of employment at the time of the crime and
33 was unable to begin employment as a result of the crime.

34 (8) A derivative victim who is otherwise eligible for loss of
35 support under paragraph (4) shall be eligible for loss of support if
36 the victim was employed or receiving earned income benefits at
37 the time of the crime. If the victim was not employed or receiving
38 earned income benefits at the time of the crime, the derivative
39 victim shall be eligible if the victim was fully or partially employed
40 or receiving earned income benefits for a total of at least 2 weeks

1 in the 12 months preceding the qualifying crime, or if the victim
2 had an offer of employment at the time of the crime and was unable
3 to begin employment as a result of the crime.

4 (b) By July 1, 2023, the board shall adopt new guidelines for
5 accepting evidence that may be available to the victim or derivative
6 victim in considering and approving a claim for loss of income
7 under paragraph (1), (2), or (3), which shall require the board to
8 accept any form of reliable corroborating information approved
9 by the board, including, but not limited to, all of the following:

- 10 (1) A statement from the employer.
11 (2) A pattern of deposits into a bank or credit union account of
12 the victim or derivative victim.
13 (3) Pay stubs or copies of checks received as payment.
14 (4) A copy of a job offer letter from an employer.
15 (5) Income tax records.
16 (6) Verification through a vendor, if the employer contracts
17 with a vendor for employment verification.
18 (7) Information related to eligibility or enrollment from any of
19 the following:
20 (A) The CalFresh program pursuant to Chapter 10 (commencing
21 with Section 18900) of Part 6 of Division 9 of the Welfare and
22 Institution Code.
23 (B) The ~~CalWORKS~~ *CalWORKs* program.
24 (C) The state's children's health insurance program under Title
25 XXI of the federal Social Security Act (42 U.S.C. Sec. 1397aa et
26 seq.).
27 (D) The California Health Benefit Exchange established
28 pursuant to Title 22 (commencing with Section 100500) of the
29 Government Code.
30 (E) The electronic service established in accordance with Section
31 435.949 of Title 42 of the Code of Federal Regulations.
32 (F) Records from the Employment Development Department.
33 (c) On or before July 1, 2023, the board shall adopt new
34 guidelines for accepting evidence that may be available to the
35 applicant in considering and approving a claim for loss of support
36 under paragraph (4), which shall require the board to accept any
37 form of reliable corroborating information regarding income
38 received by the victim or support provided to the dependent that
39 is approved by the board, including, but not limited to, all of the
40 following:

- 1 (1) The forms of documentation listed in subdivision (b).
- 2 (2) A court order finding legal dependency or ordering support.
- 3 (3) Workers' compensation disability or death benefits.
- 4 (4) Veterans death benefits.
- 5 (5) Social security disability or survivor benefits.
- 6 (6) Settlements or agreements for spousal support.
- 7 (7) Child support records.
- 8 (8) Orders granting legal custody.
- 9 (9) Records of the victim making payments for living expenses
- 10 for the derivative victim, including, but not limited to, full or partial
- 11 rental or mortgage payments for a residential dwelling unit where
- 12 the dependent derivative victim resides, utilities payments,
- 13 childcare supplies, clothing, medical payments, or food.
- 14 (d) The total amount payable to all derivative victims pursuant
- 15 to this section as the result of one crime shall not exceed one
- 16 hundred thousand dollars (\$100,000).
- 17 SEC. 12. Section 13958 of the Government Code is amended
- 18 to read:
- 19 13958. The board shall approve or deny applications, based
- 20 on recommendations of the board staff, within an average of 30
- 21 calendar days and no later than 60 calendar days of acceptance by
- 22 the board or victim center.
- 23 (a) If the board does not meet the 30-day average standard
- 24 prescribed in this subdivision, the board shall, thereafter, report to
- 25 the Legislature, on a quarterly basis, its progress and its current
- 26 average time of processing applications. These quarterly reports
- 27 shall continue until the board meets the 30-day average standard
- 28 for two consecutive quarters.
- 29 (b) If the board fails to approve or deny an individual application
- 30 within 60 days of the date it is accepted, pursuant to this
- 31 subdivision, the board shall advise the applicant and the applicant's
- 32 representative, in writing, of the reason for the failure to approve
- 33 or deny the application.
- 34 (c) The 30-day and 60-day requirements of this section shall be
- 35 tolled during a period in which the board has requested information
- 36 from the applicant under paragraph (2) of subdivision (c) of Section
- 37 13952 if it has been longer than 10 days since the board first
- 38 communicated the request for additional information to the
- 39 applicant and the board has not yet received the requested
- 40 information.

1 (d) The board shall communicate a determination made to
2 approve or deny an application for compensation in writing to the
3 applicant or the applicant's authorized representative in the
4 language selected by the applicant pursuant to paragraph (4) of
5 subdivision (d) of ~~section~~ *Section* 13952 by personal delivery or
6 by all of the following means for which the board has access to an
7 applicant's contact information and by which the applicant has
8 consented to being contacted:

- 9 (1) Mail.
- 10 (2) Email.
- 11 (3) Either of the following:
 - 12 (A) Text message.
 - 13 (B) Personal telephone call.

14 (e) The board shall adopt guidelines governing the information
15 to include in the board's communication to the applicant or the
16 applicant's authorized representative regarding an approval of an
17 application in whole or in part under subdivision (d), which shall
18 require the board to include, at a minimum, all of the following:

- 19 (1) Information about the status of each claim for coverage for
20 each pecuniary loss for which the applicant has requested
21 compensation to date.
- 22 (2) If the board requires additional information or verification
23 from the applicant to approve an existing claim for a pecuniary
24 loss, a request for that information from the applicant.
- 25 (3) A list of all of the types of pecuniary loss the board can
26 cover under Section 13957 and information or hyperlinks to
27 information regarding eligibility requirements for each category
28 of pecuniary loss.
- 29 (4) Instructions describing how the applicant can submit
30 supplemental claims for compensation.

31 (f) The board shall adopt guidelines for communicating a denial
32 under subdivision (d) in a manner that is trauma informed and
33 sensitive to the psychological well-being of the applicant or victim,
34 which shall include, but not be limited to, all of the following:

- 35 (1) A process for clearly explaining the basis for denial.
- 36 (2) A process for providing applicants or victims a list of other
37 services for which they may be eligible.
- 38 (3) A process for providing an applicant or victim information
39 for contesting a denial or filing a petition for judicial review
40 pursuant to Section 13959 or 13960.

1 SEC. 13. Section 13959 of the Government Code is amended
2 to read:

3 13959. (a) The board shall grant a hearing to an applicant who
4 contests a staff recommendation to deny compensation in whole
5 or in part.

6 (b) The board shall notify the applicant not less than 10 days
7 prior to the date of the hearing. Notwithstanding Section 11123,
8 if the appeal that the board is considering involves either a crime
9 against a minor, a crime of sexual assault, or a crime of domestic
10 violence, the board may exclude from the hearing all persons other
11 than board members and members of its staff, the applicant for
12 benefits, a minor applicant's parents or guardians, the applicant's
13 representative, witnesses, and other persons of the applicant's
14 choice to provide assistance to the applicant during the hearing.
15 However, the board shall not exclude persons from the hearing if
16 the applicant or applicant's representative requests that the hearing
17 be open to the public.

18 (c) At the hearing, the person seeking compensation shall have
19 the burden of establishing, by a preponderance of the evidence,
20 the elements for eligibility under Section 13955.

21 (d) Except as otherwise provided by law, in making
22 determinations of eligibility for compensation and in deciding
23 upon the amount of compensation, the board shall apply the law
24 in effect as of the date an application was submitted.

25 (e) (1) The hearing shall be informal and need not be conducted
26 according to the technical rules relating to evidence and witnesses.
27 The board may rely on any relevant evidence if it is the sort of
28 evidence on which responsible persons are accustomed to rely ~~in~~
29 *on* the conduct of serious affairs, regardless of the existence of a
30 common law or statutory rule that might make improper the
31 admission of the evidence over objection in a civil action. The
32 board may rely on written reports prepared for the board, or other
33 information received, from public agencies responsible for
34 investigating the crime. If the applicant or the applicant's
35 representative chooses not to appear at the hearing, the board may
36 act solely upon the application for compensation, the staff's report,
37 and other evidence that appears in the record.

38 (2) The board shall allow a service animal to accompany and
39 support a witness while testifying at a hearing.

1 (f) Hearings shall be held in various locations with the frequency
2 necessary to provide for the speedy adjudication of the appeals. If
3 the applicant’s presence is required at the hearing, the board shall
4 schedule the applicant’s hearing in as convenient a location as
5 possible or conduct the hearing by telephone.

6 (g) The board may delegate the hearing of appeals to hearing
7 officers.

8 (h) The decisions of the board shall be in writing within two
9 months of the date the board received the appeal unless the board
10 determines that there was insufficient information to make a
11 decision. If the board determines that there was insufficient
12 information to make a decision, the board shall notify the applicant
13 in writing within two months of the date the board received the
14 appeal. Copies of the decisions shall be delivered to the applicant
15 or to the applicant’s representative personally or sent to them by
16 mail.

17 (i) The board may order a reconsideration of all or part of a
18 decision on written request of the applicant. The board shall not
19 grant more than one request for reconsideration with respect to
20 any one decision on an appeal for compensation. The board shall
21 not consider any request for reconsideration filed with the board
22 more than 365 calendar days after the personal delivery or the
23 mailing of the original decision.

24 (j) The board may order a reconsideration of all or part of a
25 decision on its own motion, at its discretion, at any time.

26 (k) Evidence submitted after the board has denied a request for
27 reconsideration shall not be considered unless the board chooses
28 to reconsider its decision on its own motion.

29 SEC. 14. Section 13960 of the Government Code is amended
30 to read:

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

37 (1) Where no request for reconsideration is made, within 365
38 calendar days of personal delivery or the mailing of the board’s
39 decision on the application for compensation.

1 (2) Where a timely request for reconsideration is filed and
2 rejected by the board, within 365 calendar days of personal delivery
3 or the mailing of the notice of rejection.

4 (3) Where a timely request for reconsideration is filed and
5 granted by the board, or reconsideration is ordered by the board,
6 within 365 calendar days of personal delivery or the mailing of
7 the final decision on the reconsidered application.

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

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

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

22 SEC. 15. Section 13962 of the Government Code is amended
23 to read:

24 13962. (a) The board shall publicize through the board, law
25 enforcement agencies, victim centers, hospitals, medical, mental
26 health or other counseling service providers, and other public or
27 private agencies, the existence of the program established pursuant
28 to this chapter, including the procedures for obtaining
29 compensation under the program.

30 (b) It shall be the duty of every local law enforcement agency
31 to inform crime victims of the provisions of this chapter, of the
32 existence of victim centers, *of the existence of trauma recovery*
33 *centers as described under Section 13963.1, and in counties where*
34 ~~no victim center exists~~, to provide application forms to victims
35 who desire to seek compensation pursuant to this chapter. The
36 board shall provide application forms and all other documents that
37 local law enforcement agencies and victim centers may require to
38 comply with this section. The board, in cooperation with victim
39 centers, shall set standards to be followed by local law enforcement
40 agencies for this purpose and may require them to file with the

1 board a description of the procedures adopted by each agency to
2 comply with the standards. The board shall conduct outreach to
3 local law enforcement agencies about their duties under this
4 section.

5 (c) Every local law enforcement agency shall annually provide
6 to the board contact information for the Victims of Crime Liaison
7 Officer designated pursuant to Section 649.36 of Title 2 of the
8 California Code of Regulations.

9 (d) The board shall annually make available to the Victims of
10 Crime Liaison Officer at every local law enforcement agency one
11 hour of training on victim compensation in California and materials
12 to educate the officers and staff in their law enforcement agencies
13 and publicize the program within their jurisdictions.

14 (e) The board's outreach pursuant to subdivision (a) and training
15 pursuant to subdivision (d) shall affirm that neither access to
16 information about victim compensation, nor an application for
17 compensation, shall be denied on the basis of the victim's or
18 derivative victim's membership in, association with, or affiliation
19 with, a gang, or on the basis of the victim's or derivative victim's
20 designation as a suspected gang member, associate, or affiliate in
21 a shared gang database, as defined in Section 186.34 of the Penal
22 Code.

23 (f) The board's outreach pursuant to subdivision (a) and training
24 pursuant to subdivision (d) shall affirm that neither access to
25 information about victim compensation, nor an application for
26 compensation, shall be denied on the basis of the victim's or
27 derivative victim's documentation or immigration status.

28 ~~(g) A state or local agency shall provide a potential crime victim
29 with information regarding the board's services under this chapter.~~

30 (g) (1) *The board shall provide every general acute care
31 hospital in the state that operates an emergency department with
32 both of the following:*

33 (A) *A poster developed by the board describing the existence
34 of the program established pursuant to this chapter, including the
35 procedures for obtaining compensation under the program.*

36 (B) *Application forms to distribute to victims and their family
37 members who desire to seek compensation pursuant to this chapter.*

38 (2) *It shall be the duty of every general acute care hospital to
39 display a poster provided to the hospital pursuant to subparagraph*

1 (A) of paragraph (1) prominently in the lobby or waiting area of
2 its emergency department.

3 ~~SEC. 16. Section 1170.04 is added to the Penal Code, to read:~~

4 ~~1170.04. Within 30 days of sentencing or resentencing a~~
5 ~~convicted person, the court shall provide the victim, or the family~~
6 ~~of the victim if the victim is deceased, all of the following:~~

7 ~~(a) Information regarding the convicted person’s sentence.~~

8 ~~(b) Information regarding the process for the convicted person~~
9 ~~to appeal the verdict or the sentence and how an appeal could~~
10 ~~change the verdict or the sentence.~~

11 ~~(c) Whether the convicted person may be eligible for early parole~~
12 ~~and, if so, general information about the early parole process.~~

13 ~~(d) Information on credits an inmate may earn while incarcerated~~
14 ~~that could reduce the inmate’s sentence.~~

15 *SEC. 16. Section 679.027 is added to the Penal Code, to read:*

16 *679.027. (a) Every law enforcement agency investigating a*
17 *criminal act and every agency prosecuting a criminal act shall,*
18 *as provided herein, at the time of initial contact with a crime victim,*
19 *during follow-up investigation, or as soon thereafter as deemed*
20 *appropriate by investigating officers or prosecuting attorneys,*
21 *inform each victim, or the victim’s next of kin if the victim is*
22 *deceased, of the rights they may have under applicable law relating*
23 *to the victimization, including rights relating to housing,*
24 *employment, compensation, and immigration relief.*

25 *(b) (1) Every law enforcement agency investigating a criminal*
26 *act and every agency prosecuting a criminal act shall, as provided*
27 *herein, at the time of initial contact with a crime victim, during*
28 *follow-up investigation, or as soon thereafter as deemed*
29 *appropriate by investigating officers or prosecuting attorneys,*
30 *provide or make available to each victim of the criminal act without*
31 *charge or cost a “Victim Protections and Resources” card*
32 *described in paragraph (3).*

33 *(2) The Victim Protections and Resources card may be designed*
34 *as part of and included with the “Marsy Rights” card described*
35 *by Section 679.026.*

36 *(3) By June 1, 2023, the Attorney General shall design and make*
37 *available in PDF or other imaging format to every agency listed*
38 *in paragraph (1) a “Victim Protections and Resources” card,*
39 *which shall contain information in lay terms about victim rights*
40 *and resources, including, but not limited to, the following:*

1 (A) Information about the rights provided by Sections 230 and
2 230.1 of the Labor Code.

3 (B) Information about the rights provided by Section 1946.7 of
4 the Civil Code.

5 (C) Information about the rights provided by Section 1161.3 of
6 the Civil Code, including information in lay terms about which
7 crimes and tenants are eligible and under what circumstances.

8 (D) Information about federal immigration relief available to
9 certain victims of crime.

10 (E) Information about the program established by Chapter 5
11 (commencing with Section 13950) of Part 4 of Division 3 of Title
12 2 of the Government Code, including information about the types
13 of expenses the program may reimburse, eligibility, and how to
14 apply.

15 (F) Information about the program established by Chapter 3.1
16 (commencing with Section 6205) of Division 7 of Title 1 of the
17 Government Code.

18 (G) Information about eligibility for filing a restraining or
19 protective order.

20 (H) Contact information for the Victims' Legal Resource Center
21 established by Chapter 11 (commencing with Section 13897) of
22 Title 6 of Part 4.

23 (I) A list of trauma recovery centers funded by the state pursuant
24 to Section 13963.1 of the Government Code, with their contact
25 information, which shall be updated annually.

26 SEC. 17. Section 4900 of the Penal Code is amended to read:

27 4900. (a) Any person who, having been convicted of any crime
28 against the state amounting to a felony, is granted a pardon by the
29 Governor for the reason that the crime with which they were
30 charged was either not committed at all or, if committed, was not
31 committed by the person, or who, being innocent of the crime with
32 which they were charged for either of those reasons, have served
33 the term or any part thereof for which they were imprisoned in
34 state prison, incarcerated in county jail, on parole, or under
35 supervised release, may, under the conditions provided under this
36 chapter, present a claim against the state to the California Victim
37 Compensation Board.

38 (b) If a state or federal court has granted a writ of habeas corpus
39 or if a state court has granted a motion to vacate pursuant to Section
40 1473.6 or paragraph (2) of subdivision (a) of Section 1473.7, and

1 the charges were subsequently dismissed, or the person was
2 acquitted of the charges on a retrial, the California Victim
3 Compensation Board shall, upon application by the person, and
4 without a hearing, recommend to the Legislature that an
5 appropriation be made and the claim paid pursuant to Section 4904,
6 unless the Attorney General establishes pursuant to subdivision
7 (d) of Section 4902, that the claimant is not entitled to
8 compensation.

9 SEC. 18. Section 4903 of the Penal Code is amended to read:

10 4903. (a) Except as provided in Sections 851.865 and 1485.55,
11 and in subdivision (b) of Section 4900, the board shall fix a time
12 and place for the hearing of the claim. At the hearing the claimant
13 shall introduce evidence in support of the claim, and the Attorney
14 General may introduce evidence in opposition thereto. The claimant
15 shall prove the facts set forth in the statement constituting the
16 claim, including the fact that the crime with which they were
17 charged was either not committed at all, or, if committed, was not
18 committed by the claimant.

19 (b) For claims falling within subdivision (b) of Section 4900 in
20 which the Attorney General objects to the claim pursuant to
21 subdivision (d) of Section 4902, the board shall fix a time and
22 place for the hearing of the claim. At the hearing, the Attorney
23 General shall bear the burden of proving by clear and convincing
24 evidence that the claimant committed the acts constituting the
25 offense. The claimant may introduce evidence in support of the
26 claim.

27 (c) In a hearing before the board, the factual findings and
28 credibility determinations establishing the court's basis for writ
29 of habeas corpus, a motion to vacate pursuant to Section 1473.6
30 or paragraph (2) of subdivision (a) of Section 1473.7, or an
31 application for a certificate of factual innocence as described in
32 Section 1485.5 shall be binding on the Attorney General, the
33 factfinder, and the board.

34 (d) A conviction reversed and dismissed is no longer valid, thus
35 the Attorney General may not rely on the fact that the state still
36 maintains that the claimant is guilty of the crime for which they
37 were wrongfully convicted, that the state defended the conviction
38 against the claimant through court litigation, or that there was a
39 conviction to establish that the claimant is not entitled to
40 compensation. The Attorney General may also not rely solely on

1 the trial record to establish that the claimant is not entitled to
2 compensation.

3 (e) The board shall deny payment of any claim if the board finds
4 by a preponderance of the evidence that a claimant pled guilty
5 with the specific intent to protect another from prosecution for the
6 underlying conviction for which the claimant is seeking
7 compensation.

8 (f) A presumption does not exist in any other proceeding if the
9 claim for compensation is denied pursuant to this section. No res
10 judicata or collateral estoppel finding shall be made in any other
11 proceeding if the claim for compensation is denied pursuant to this
12 section.

13 SEC. 19. Section 4904 of the Penal Code is amended to read:

14 4904. (a) If the evidence shows that the crime with which the
15 claimant was charged was either not committed at all, or, if
16 committed, was not committed by the claimant, or for claims
17 pursuant to subdivision (b) of Section 4900, the Attorney General's
18 office has not met their burden of proving by clear and convincing
19 evidence that the claimant committed the acts constituting the
20 offense, the California Victim Compensation Board shall report
21 the facts of the case and its conclusions to the next Legislature,
22 with a recommendation that the Legislature make an appropriation
23 for the purpose of compensating the claimant. The amount of the
24 appropriation recommended shall include the following:

25 (1) A sum equivalent to one hundred forty dollars (\$140) per
26 day of incarceration served, and shall include any time spent in
27 custody, including in a county jail, that is considered to be part of
28 the term of incarceration.

29 (2) A sum equivalent to seventy dollars (\$70) per day served
30 on parole pursuant to Section 3000 or 3000.1 or on supervised
31 release.

32 (3) Reasonable attorney fees and costs incurred by or on behalf
33 of the claimant in overturning the claimant's conviction or securing
34 a pardon.

35 (4) Reasonable attorney fees and costs incurred by or on behalf
36 of the claimant in obtaining compensation under this section or
37 obtaining a finding of factual innocence under Section 851.8,
38 851.86, 1473.7, or 1485.55.

39 (b) The appropriation amounts provided in paragraphs (1) and
40 (2) of subdivision (a) shall be updated annually to reflect changes

1 in the Bureau of Labor Standards Statistics Consumer Price Index,
2 West Region commencing one year after this section becomes
3 effective.

4 (c) Pursuant to Section 17156.1 of the Revenue and Tax
5 Taxation Code, funds received by the claimant under this section
6 shall not be treated as gross income to the recipient.

7 *SEC. 20. Section 4904.1 is added to the Penal Code, to read:*

8 *4904.1. (a) A person who served time on parole pursuant to*
9 *Section 3000 or 3000.1 or on supervised release pursuant to*
10 *Section 3074 before the effective date of the act adding this section*
11 *and who is made eligible for compensation under paragraph (2)*
12 *of subdivision (a) of Section 4904 by the act adding this section*
13 *may present a claim pursuant to this chapter within three years*
14 *of the effective date of the act adding this section.*

15 *(b) (1) A person who previously brought a claim pursuant to*
16 *this chapter and who served time on parole pursuant to Section*
17 *3000 or 3000.1 or on supervised release pursuant to Section 3074*
18 *before the effective date of the act adding this section may present*
19 *a supplementary claim within three years of the effective date of*
20 *the act adding this section for compensation under paragraph (2)*
21 *of subdivision (a) of Section 4904.*

22 *(2) If the California Victim Compensation Board recommended*
23 *pursuant to Section 4904 that the Legislature make an*
24 *appropriation for the purpose of indemnifying the claimant for the*
25 *previous claim, the board shall recommend that the Legislature*
26 *make an appropriation for the purpose of indemnifying the*
27 *claimant for the supplementary claim presented pursuant to*
28 *paragraph (1) if the claimant establishes that compensation is*
29 *required pursuant to paragraph (2) of subdivision (a) of Section*
30 *4904.*

31 *SEC. 21. Section 11155.1 is added to the Penal Code, to read:*

32 *11155.1. (a) If the victim of the crime for which the*
33 *incarcerated person was convicted, or the victim's next of kin if*
34 *the crime was a homicide, has submitted a request for notice under*
35 *this article with the Department of Corrections and Rehabilitation,*
36 *the department shall provide a notice described by subdivision (b)*
37 *to the victim or next of kin by the later of:*

38 *(1) Thirty days after the department receives the request.*

39 *(2) Thirty days after the defendant's entry into custody with the*
40 *department.*

1 (b) Notice provided under this section shall include all of the
2 following information:

3 (1) Information about how to access current information
4 regarding the projected sentence and projected parole eligibility
5 date of the defendant.

6 (2) General information not specific to the incarcerated person
7 that a parole eligibility date and actual release date may be
8 affected by credit earning or other factors in current or future law.

9 (3) General educational information not specific to the
10 incarcerated person about rehabilitative programming offered to
11 incarcerated individuals, the purpose of that programming, how
12 release or parole decisions are made, how incarcerated individuals
13 may earn credits toward eventual release, how credits may impact
14 incarcerated individuals' sentences, factors considered in release
15 decisions, and safety precautions generally taken concerning
16 release.

17 (4) General information not specific to the incarcerated person
18 regarding the process for the convicted person to appeal the verdict
19 or the sentence and how an appeal could change the verdict or
20 the sentence.

21 (5) Contact information for, or direct referrals to, peer support
22 groups and nonprofit community-based organizations that support
23 victims, witnesses, and family members.

24 (6) Information about the availability of, or direct referrals to,
25 free or low-cost civil legal services or information for victims of
26 crime that can help victims with immigration issues, family law
27 issues, housing or employment issues, financial issues, or other
28 civil law issues that may relate to the crime.

29 (7) Information about opportunities for victims or their family
30 members to engage in restorative justice programs, including, but
31 not limited to, Victim Offender Dialogues, if available.

32 (8) Information about the rights provided by Sections 230 and
33 230.1 of the Labor Code.

34 (9) Information about the rights provided by Section 1161.3 of
35 the Civil Code if the crime is an eligible offense under that section.

36 (10) Information about federal immigration relief available to
37 certain victims of crime if the crime was an offense that may make
38 the victim eligible for such relief.

39 (11) Information about the program established by Chapter 5
40 (commencing with Section 13950) of Part 4 of Division 3 of Title

1 2 of the Government Code, including information about the types
2 of expenses the program may reimburse, eligibility, and how to
3 apply.

4 (12) If available, information about or direct referrals to
5 community-based or governmental programs that can provide
6 victims with flexible cash assistance to cover expenses related to
7 the crime.

8 (13) Contact information for, or direct referral to, the trauma
9 recovery center closest to the requesting party that meets the
10 requirements of Section 13963.1 of the Government Code.

11 (c) (1) The department shall provide the notice required by this
12 section as follows:

13 (A) If requested by the victim or victim's next of kin, a telephone
14 call from a live representative.

15 (B) One of the following methods if and as requested by the
16 victim or victim's next of kin:

17 (i) Certified mail.

18 (ii) Email.

19 (iii) Text message from a live representative.

20 (2) If a victim's or victim's next of kin's contact information
21 provided to the department is no longer current, the department
22 shall make a diligent, good faith effort to learn the whereabouts
23 of the victim or next of kin to comply with notification requirements
24 of this subdivision.

25 (d) If a victim or victim's next of kin has submitted a request
26 for notice under this article with the Department of Corrections
27 and Rehabilitation, both of the following shall be confidential and
28 shall not be available to the incarcerated person:

29 (1) Information regarding the victim's or victim's next of kin's
30 request.

31 (2) The notice provided to the victim or the victim's next of kin.

32 (e) The department may contract with one or more nonprofit
33 community-based organizations that have a documented record
34 of providing trauma-informed services to victims of crime and
35 their families to provide notices required by this article. The
36 department shall ensure that a nonprofit community-based
37 organization contracted to provide notice to victims or victims'
38 next of kin has sufficient procedures and protocols in place to
39 maintain the confidentiality of information about victims and
40 victims' next of kin.

1 ~~SEC. 20.~~

2 *SEC. 22.* If the Commission on State Mandates determines that
3 this act contains costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code.

O

For Introduction - Supporting Senate Bill 993 (Skinner) - Expanding Access to Support and Services for Victims of Crime

Jones, Ernest (BOS) <ernest.e.jones@sfgov.org>

Tue 5/3/2022 12:21 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>

Hi BOS Legislation,

Please find the attached signed form for introduction, resolution supporting SB933, and PDF of Bill Language. Supervisor Safai plans to introduce today.

The League of California Cities and California Association of Counties both have taken a position to “watch” this legislation.

Best,

Ernest “EJ” Jones (he/him) | Legislative Aide
Office of District 11 **Supervisor Ahsha Safai**
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 256
Direct: 415-554-7897 | **Office:** 415-554-6975

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

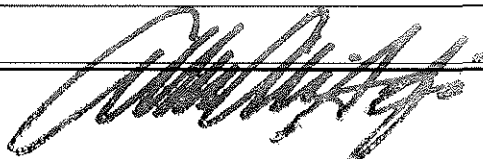
Ahsha Safai

Subject:

Supporting Senate Bill 993 (Skinner) - Expanding Access to Support and Services for Victims of Crime.

The text is listed:

Resolution supporting Senate Bill 993 Expanding Crime Victim Support and Services which improves access to support and services for survivors of crime by removing barriers that contribute to denial, improving support for exonerees, and increasing funding for compensation of victims.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only