

Introduced by Senator Atkins

(Coauthors: Senators Anderson, Glazer, and Newman)

(Coauthors: Assembly Members Bloom, Chávez, Chiu, Lackey, Maienschein, Quirk, Santiago, Steinorth, and Waldron)

February 6, 2018

An act to amend Section 13957 of the Government Code, relating to crime victims, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1005, as introduced, Atkins. Crime victim compensation: relocation expenses: pet costs.

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, a continuously appropriated fund, for specified losses suffered as a result of those crimes, including a cash payment or reimbursement not to exceed a specified amount to a victim for expenses incurred in relocating, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim. Existing law requires the board to be named as the recipient of funds upon expiration of the victim's rental agreement if a security deposit is required for relocation.

This bill would authorize "expenses incurred in relocating" as described above to include a pet deposit and additional rent required if the victim has a pet. The bill would also require the board to be named as the recipient of funds upon expiration of the victim's rental agreement if a pet deposit is required for relocation. By expanding the authorization

for use of continuously appropriated funds, this bill would make an appropriation.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 13957 of the Government Code is
2 amended to read:

3 13957. (a) The board may grant for pecuniary loss, when the
4 board determines it will best aid the person seeking compensation,
5 as follows:

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

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

25 (A) The following persons may be reimbursed for the expense
26 of their outpatient mental health counseling in an amount not to
27 exceed ten thousand dollars (\$10,000):

- 28 (i) A victim.
- 29 (ii) A derivative victim who is the surviving parent, grandparent,
30 sibling, child, grandchild, spouse, fiancé, or fiancée of a victim of
31 a crime that directly resulted in the death of the victim.
- 32 (iii) A derivative victim, as described in paragraphs (1) to (4),
33 inclusive, of subdivision (c) of Section 13955, who is the primary

1 caretaker of a minor victim whose claim is not denied or reduced
2 pursuant to Section 13956 in a total amount not to exceed ten
3 thousand dollars (\$10,000) for not more than two derivative
4 victims.

5 (B) The following persons may be reimbursed for the expense
6 of their outpatient mental health counseling in an amount not to
7 exceed five thousand dollars (\$5,000):

8 (i) A derivative victim not eligible for reimbursement pursuant
9 to subparagraph (A), provided that mental health counseling of a
10 derivative victim described in paragraph (5) of subdivision (c) of
11 Section 13955, shall be reimbursed only if that counseling is
12 necessary for the treatment of the victim.

13 (ii) A minor who suffers emotional injury as a direct result of
14 witnessing a violent crime and who is not eligible for
15 reimbursement of the costs of outpatient mental health counseling
16 under any other provision of this chapter. To be eligible for
17 reimbursement under this clause, the minor must have been in
18 close proximity to the victim when he or she witnessed the crime.

19 (C) The board may reimburse a victim or derivative victim for
20 outpatient mental health counseling in excess of that authorized
21 by subparagraph (A) or (B) or for inpatient psychiatric,
22 psychological, or other mental health counseling if the claim is
23 based on dire or exceptional circumstances that require more
24 extensive treatment, as approved by the board.

25 (D) Expenses for psychiatric, psychological, or other mental
26 health counseling-related services may be reimbursed only if the
27 services were provided by either of the following individuals:

28 (i) A person who would have been authorized to provide those
29 services pursuant to former Article 1 (commencing with Section
30 13959) as it read on January 1, 2002.

31 (ii) A person who is licensed in California to provide those
32 services, or who is properly supervised by a person who is licensed
33 in California to provide those services, subject to the board's
34 approval and subject to the limitations and restrictions the board
35 may impose.

36 (3) Subject to the limitations set forth in Section 13957.5,
37 authorize compensation equal to the loss of income or loss of
38 support, or both, that a victim or derivative victim incurs as a direct
39 result of the victim's or derivative victim's injury or the victim's
40 death. If the victim or derivative victim requests that the board

1 give priority to reimbursement of loss of income or support, the
2 board may not pay medical expenses, or mental health counseling
3 expenses, except upon the request of the victim or derivative victim
4 or after determining that payment of these expenses will not
5 decrease the funds available for payment of loss of income or
6 support.

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

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

13 (A) Home security device or system.

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

15 (6) Reimburse the expense of renovating or retrofitting a
16 victim's residence, or the expense of modifying or purchasing a
17 vehicle, to make the residence or the vehicle accessible or
18 operational by a victim upon verification that the expense is
19 medically necessary for a victim who is permanently disabled as
20 a direct result of the crime, whether the disability is partial or total.

21 (7) (A) Authorize a cash payment or reimbursement not to
22 exceed two thousand dollars (\$2,000) to a victim for expenses
23 incurred in relocating, if the expenses are determined by law
24 enforcement to be necessary for the personal safety of the victim
25 or by a mental health treatment provider to be necessary for the
26 emotional well-being of the victim. *For purposes of this paragraph,*
27 *"expenses incurred in relocating" may include a pet deposit and*
28 *additional rent required if the victim has a pet.*

29 (B) The cash payment or reimbursement made under this
30 paragraph shall only be awarded to one claimant per crime giving
31 rise to the relocation. The board may authorize more than one
32 relocation per crime if necessary for the personal safety or
33 emotional well-being of the claimant. However, the total cash
34 payment or reimbursement for all relocations due to the same crime
35 shall not exceed two thousand dollars (\$2,000). For purposes of
36 this paragraph a claimant is the crime victim, or, if the victim is
37 deceased, a person who resided with the deceased at the time of
38 the crime.

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

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

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

8 (D) When a relocation payment or reimbursement is provided
9 to a victim of sexual assault or domestic violence and the identity
10 of the offender is known to the victim, the victim shall agree not
11 to inform the offender of the location of the victim's new residence
12 and not to allow the offender on the premises at any time, or shall
13 agree to seek a restraining order against the offender. A victim
14 may be required to repay the relocation payment or reimbursement
15 to the board if he or she violates the terms set forth in this
16 paragraph.

17 (E) Notwithstanding subparagraphs (A) and (B), the board may
18 increase the cash payment or reimbursement for expenses incurred
19 in relocating to an amount greater than two thousand dollars
20 (\$2,000), if the board finds this amount is appropriate due to the
21 unusual, dire, or exceptional circumstances of a particular claim.

22 (F) If a security deposit *or pet deposit, or both*, is required for
23 relocation, the board shall be named as the recipient and receive
24 the funds upon expiration of the victim's rental agreement.

25 (8) When a victim dies as a result of a crime, the board may
26 reimburse—~~any~~ *an* individual who voluntarily, and without
27 anticipation of personal gain, pays or assumes the obligation to
28 pay any of the following expenses:

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

32 (B) The funeral and burial expenses incurred as a direct result
33 of the crime, not to exceed seven thousand five hundred dollars
34 (\$7,500). The board shall not create or comply with a regulation
35 or policy that mandates a lower maximum potential amount of an
36 award pursuant to this subparagraph for less than seven thousand
37 five hundred dollars (\$7,500).

38 (9) When the crime occurs in a residence or inside a vehicle,
39 the board may reimburse—~~any~~ *an* individual who voluntarily, and
40 without anticipation of personal gain, pays or assumes the

1 obligation to pay the reasonable costs to clean the scene of the
2 crime in an amount not to exceed one thousand dollars (\$1,000).
3 Services reimbursed pursuant to this subdivision shall be performed
4 by persons registered with the State Department of Public Health
5 as trauma scene waste practitioners in accordance with Chapter
6 9.5 (commencing with Section 118321) of Part 14 of Division 104
7 of the Health and Safety Code.

8 (10) When the crime is a violation of Section 600.2 or 600.5 of
9 the Penal Code, the board may reimburse the expense of veterinary
10 services, replacement costs, or other reasonable expenses, as
11 ordered by the court pursuant to Section 600.2 or 600.5 of the
12 Penal Code, in an amount not to exceed ten thousand dollars
13 (\$10,000).

14 (11) An award of compensation pursuant to paragraph (5) of
15 subdivision (f) of Section 13955 shall be limited to compensation
16 to provide mental health counseling and shall not limit the
17 eligibility of a victim for an award that he or she may be otherwise
18 entitled to receive under this part. A derivative victim shall not be
19 eligible for compensation under this provision.

20 (b) The total award to or on behalf of each victim or derivative
21 victim may not exceed thirty-five thousand dollars (\$35,000),
22 except that this award may be increased to an amount not exceeding
23 seventy thousand dollars (\$70,000) if federal funds for that increase
24 are available.