
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 1939 **Hearing Date:** June 19, 2018
Author: Steinorth
Version: March 19, 2018
Urgency: No **Fiscal:** Yes
Consultant: SC

Subject: *Crime Victims: Compensation: Relocation Costs: Pets*

HISTORY

Source: American Society for the Prevention of Cruelty to Animals (ASPCA)
California Partnership to End Domestic Violence

Prior Legislation: AB 1061 (Gloria), 2017, held in Assembly Appropriations Comm.
AB 2160 (Bonta), 2016, held in Assembly Appropriations Comm.
AB 1140 (Bonta), Ch. 569, Stats. 2015

Support: California Animal Welfare Association

Opposition: None known

Assembly Floor Vote: 75 - 1

PURPOSE

The purpose of this bill is to authorize the California Victim Compensation Board (board) to reimburse victims for the costs of temporary housing for the victims' pets upon immediate relocation.

Existing law establishes the board to operate the California Victim Compensation Program (CalVCP). (Gov. Code, § 13950 et. seq.)

Existing law provides that an application for compensation shall be filed with the board in the manner determined by the board. (Gov. Code, § 13952, subd. (a).)

Existing law authorizes the board to reimburse for pecuniary loss for the following types of losses:

- 1) Medical or medical-related expenses incurred by the victim for services provided by a licensed medical provider;
- 2) Out-patient psychiatric, psychological or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services;
- 3) 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 injury or the victim's death;

- 4) Cash payment to, or on behalf of, the victim for job retraining or similar employment-oriented services;
- 5) The expense of installing or increasing residential security, not to exceed \$1,000;
- 6) The expense of renovating or retrofitting a victim's residence or vehicle to make them accessible or operational, if it is medically necessary;
- 7) Relocation expenses up to \$2,000 if the expenses are determined by law enforcement to be necessary for the victim's personal safety, or by a mental health treatment provider to be necessary for the emotional well-being of the victim; and,
- 8) Funeral or burial expenses. (Gov. Code, §§ 13957, subd. (a) & 13957.5, subd. (a).)

Existing law limits the total award to or on behalf of each victim or derivative victim to \$70,000. (Gov. Code, §§ 13957, subd. (b), & 13957.5, subd. (b).)

This bill includes costs of temporary housing for pets of the victim upon immediate relocation as part of "expenses incurred in relocating."

COMMENTS

1. Need for This Bill

According to the author of this bill:

Domestic violence is often not limited to a single victim. Studies have shown that over 49% of female survivors of domestic violence reported threat or harm to their pets. The looming fear of abuse to a victim's pet has caused up to 48% of female survivors to delay leaving an abusive environment due to concern for their pet's safety.

AB 1939 will help survivors of domestic violence remove themselves from abusive situations while maintaining financial security and the safety of their pets. By expanding the authorized use of funds given to victims by the California Victim Compensation Board to also include temporary housing for pets of victims of domestic violence, survivors will have an easier pathway to escape abusive situations.

The California Victim Compensation Board uses the Restitution Fund to grant reimbursement up to \$2,000 for economic loss. For victims of domestic violence, this reimbursement can be applied toward expenses incurred during relocation or removal from a violent environment. While domestic violence shelters work to accommodate survivors and their needs, many are unable to accommodate their pets. Providing an opportunity to temporarily house pets in a safe environment while a survivor enters a domestic violence shelter could be the ultimate difference for a victim.

AB 1939 seeks to expand the Victim Compensation authorized reimbursements to include expenses for temporarily housing pets at a participating animal shelter or facility while the victim enters a domestic violence shelter. Survivors should not feel that they must delay leaving a violent situation because they cannot afford to house their pets while entering a domestic violence shelter.

2. Purpose and History of CalVCP

The victim compensation program was created in 1965, the first such program in the country. The board provides compensation for victims of violent crime. It reimburses eligible victims for many crime-related expenses, such as counseling and medical fees. Funding for the board comes from restitution fines and penalty assessments paid by criminal offenders, as well as federal matching funds. (See the California Victim Compensation Board's website <<http://www.vcgcb.ca.gov/board/>> [as of Mar. 26, 2018].)

3. Board's Gap Analysis Report

In July 2015, the board issued the third in a series of reports which sought to determine the unmet needs of crime victims and barriers to services for crime victims. This final report outlined gaps in current services and compensation provided under CalVCP. (See Gap Analysis Report: California's Underserved Crime Victims and their Access to Victim Services and Compensation, July 2015, <<http://vcgcb.ca.gov/victims/ovcgrant2013/deliverables/CalVCPGapAnalysis-OVCGrant2013.pdf>>.)

The report noted that the following unmet financial needs were among the more commonly identified by victims:

- 1) Victims who received funeral and burial compensation stated that the actual cost of the services exceeded the CalVCP reimbursement limit.
- 2) Victims stated that the amounts for relocation expenses were inadequate to cover the actual costs of relocation.
- 3) Mental health providers stated that victims' lack of access to transportation creates difficulty accessing mental health treatment.
- 4) Victims and advocates noted that lack of access to transportation was a barrier to obtaining other needed services.
- 5) Childcare expenses are not currently reimbursed by CalVCP, further limiting some victims' access to medical or mental health services.
- 6) Victims need to be reimbursed for lost wages for time taken from work to access services or attend crime-related appointments. (Id. at p. 7.)

This bill would provide that as part of relocation expenses, a victim may seek reimbursement for costs of temporary housing for a pet.

4. Similar Legislation

SB 1005 (Atkins) would include a pet deposit and additional rent required if the victim has a pet in “relocation expenses” reimbursable by the board. SB 1005 is pending in the Assembly Committee on Public Safety.

5. Argument in Support

According to the ASPCA and the California Partnership to End Domestic Violence, the sponsors of this bill:

In order to escape abuse, while protecting their pets, survivors of domestic abuse must necessarily identify alternative housing, but the short term urgency and a lack of financial resources may significantly limit the alternatives available to the individual. In a time of crisis, the urgency of the situation may limit the ability of a victim to identify suitable emergency housing to locate with their pet on a temporary basis. Studies have shown that nearly 50% of female survivors reported threat or harm to their pets and the looming fear of abuse to a victim’s pet has caused up to 48% of these survivors to delay leaving an abusive environment due to concern for their pets’ safety. While domestic violence shelters work to accommodate domestic violence survivors and their needs, many are unable to accommodate survivors’ pets due to lack of space. Even in shelters where pets are allowed, there is often limited space available.

AB 1939 would enhance support for domestic violence survivors, and all eligible crime survivors, with pets seeking alternative housing. By allowing the California Victim Compensation Board to pay for emergency pet-boarding costs, survivors of crime will be able to immediately extricate themselves from a dangerous situation with their pets and ensure safety for both while the survivor seeks long-term housing options.

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