

---

## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair  
2019 - 2020 Regular

---

**Bill No:** AB 415                      **Hearing Date:** June 18, 2019  
**Author:** Maienschein  
**Version:** February 7, 2019  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SC

**Subject:** *Victim Compensation: Relocation: Pets*

### HISTORY

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

**Prior Legislation:** SB 1005 (Atkins), vetoed, 2018  
AB 1939 (Steinorth), vetoed, 2018  
SB 1232 (Bradford), Ch. 983, Stats. 2018  
AB 1140 (Bonta), Ch. 569, Stats. 2015  
AB 2264 (Levine), Ch. 502, Stats. 2014  
SB 1299 (Wright), Ch. 870, Stats. 2012

**Support:** Arc and United Cerebral Palsy California Collaboration; Best Friends Animal Society; California Catholic Conference; Family Violence Appellate Project; PawPAC; RedRover; San Diego Humane Society; San Francisco SPCA

**Opposition:** None known

**Assembly Floor Vote:** 73 - 0

### PURPOSE

***The purpose of this bill is to authorize the California Victim Compensation Board (board) to compensate a crime victim for the costs of temporary housing for a pet and for any pet deposit that may be required for relocation.***

*Existing law* states that the Legislature finds and declares that it is in the public interest to assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts. (Gov. Code, § 13950, subd. (a).)

*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:

- a) Medical or medical-related expenses incurred by the victim for services provided by a licensed medical provider;
- b) Out-patient psychiatric, psychological or other mental health counseling-related expenses incurred by the victim or derivative victim;
- c) 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;
- d) Cash payment to, or on behalf of, the victim for job retraining or similar employment-oriented services;
- e) The expense of installing or increasing residential security, not to exceed \$1,000;
- f) The expense of renovating or retrofitting a victim's residence or vehicle to make them accessible or operational, if it is medically necessary;
- g) 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;
- h) Funeral or burial expenses;
- i) Reasonable costs to clean the scene of the crime in an amount not to exceed one thousand dollars;
- j) The expense of veterinary services, replacement costs, or other reasonable expenses, as ordered by the court when the injury or death is to a guide, signal or service dog; and,
- k) Mental health counseling for emotional injury to a victim who is a minor incurred as a direct result of the nonconsensual distribution of pictures or video of sexual conduct in which the minor appears. (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 \$35,000, except this award may be increased up to \$70,000, if federal funds for that increase are available (Gov. Code, §§ 13957, subd. (b), & 13957.5, subd. (b).)

*This bill* specifies that "expenses incurred in relocating" may include the costs of temporary housing for any pets belonging to the victim.

*This bill* specifies that if a pet deposit is required for relocation, upon expiration of a victim's rental agreement, the board shall be named as the recipient of the funds.

## COMMENTS

### 1. Need for This Bill

According to the author of this bill:

AB 415 will help survivors of domestic violence remove themselves from abusive relationships 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 clarify pet deposits and pet rents are eligible expenses and also including temporary housing for pets of victims of domestic violence, survivors will have an easier pathway to escape abusive situations.

## 2. Purpose and History of Cal VCP

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/>>.)

## 3. Recent Changes to Cal VCP

The Cal VCP underwent various changes after AB 1140 (Bonta), Chapter 569, Statutes of 2015, was enacted. The bill required the application to be written in several languages other than English, and once an applicant chooses his or her preferred language, any subsequent communications must be in the chosen language. The bill provided more guidance on how to deal with applications involving victims of domestic violence, rape, and human trafficking so that these victims will not have their applications denied for failing to provide information at the scene of the crime or failing to report the crime immediately. The bill provided ways to mitigate or overcome the disqualifying factor of involvement in a crime by providing factors that the board should consider. The bill also added new expenses that may be covered including reimbursement for the modification or purchase of a vehicle for a victim who becomes permanently disabled and reimbursement for mental health counseling for grandparents and grandchildren of the victim. The bill also changed the disqualifying factor of a victim who is on parole or probation so that only a person who is a registered sex offender or convicted of a violent felony and currently on parole or probation may be denied.

Other recent changes include authorizing compensation when a victim's guide, signal, or service dog is disabled or killed (AB 2264 (Levine) Ch. 502, Stats. 2014); establishment of a deadline for the board to respond to an appeal by a crime victim who has had an application for compensation denied (AB 1563 (Rodriguez), Ch. 121, Stats. 2016); and extension of the application deadline for minor victims (AB 1232 (Bradford), Ch. 983, Stats. 2018).

## 4. Condition of the Restitution Fund

The restitution fund which funds the Cal VCP is facing insolvency due to declining revenue. (LAO, *The 2017-18 Budget: Governor's Criminal Fine and Fee Proposals*, p. 17.) According to a recent Senate Appropriations analysis of a bill that expands eligibility of persons who may apply for compensation:

The Restitution Fund has been operating under a structural deficit for a number of years. From FY 2017-18 to FY 2018-19, fund revenues dropped by 12 percent; proposed revenue for FY 2019-20 is projected to remain consistent with 2018-19, however. The FY 2019-20 proposed budget anticipates a beginning balance of \$41 million, revenues of \$68.5 million, expenditures of \$92.2 million, and an ending reserve of \$17.3 million. Given the operational deficit of the Restitution

Fund, added expenses . . . would create cost pressure on the General Fund to backfill any shortage.

(Sen. Com. On Appropriations, Analysis of Sen. Bill No. 375 (2019-2020 Reg. Sess.) as amended Mar. 25, 2019, p. 3.)

While this bill does not increase the total amount a victim can be reimbursed by CalVCP (\$35,000, or \$70,000 if federal funding is available), it does provide for payment by the board for a new type of expense which in some cases would increase the total compensation amount. Increasing eligible services while the fund is nearing insolvency would place additional strains on the fund.

### **5. Governor's Veto of Prior Legislation**

This bill is substantially similar to SB 1005 (Atkins) and SB 1939 (Steinorth), of the 2017-2018 Legislative Session. Both of those bills were vetoed.

SB 1005 (Atkins) would have authorized the board to compensate a crime victim for a pet deposit and additional rent required if the victim has a pet. The Governor's veto message stated:

This bill would require that compensation provided by the California Victims Compensation Board for relocation expenses include pet deposits and additional rent if the victim has a pet.

The Board currently provides compensation for these purposes. Other specific costs that are included within compensable relocation expenses are not individually enumerated in the authorizing statute. I don't see any need to do so now.

AB 1939 (Steinorth), of the 2017-2018 Legislative Session, would have included temporary housing for the victim's pets as part of relocation expenses which are reimbursable by the board. The Governor's veto message said the following:

This bill would require that compensation provided by the California Victims Compensation Board for relocation expenses include the costs of temporary housing for a victim's pet for a maximum of three days at a cost of under \$40 per day.

While this bill is well intended, a victim staying in a domestic violence shelter or other temporary housing situation will likely need much more assistance than this bill provides. It would be more appropriate to seek a different funding source which can provide a more comprehensive benefit that would truly complement the services that are now available.

## 6. Argument in Support

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

This bill would strengthen support for survivors of violent crime that seek to protect and maintain their pets. In particular, AB 415 would provide important financial assistance to victims of domestic violence given the significant connection between domestic violence and animal cruelty. Perpetrators of domestic violence often threaten harm or bring actual harm to their victims' pets in order to control their victims or keep them from leaving. Concern over the safety of pets often delays domestic violence victims from seeking help, causes them to return to their abuser, or prevents them from seeking assistance entirely. For many violent crime survivors, pets are sources of comfort and provide strong emotional support. 95% of American pet owners consider their pets to be members of the family.

In order to escape abuse, while protecting their pets, survivors of domestic abuse must necessarily identify alternative housing, but may lack the financial resources to relocate to appropriate accommodations. Financial abuse is a common tactic used by abusers to gain power and control in a relationship. Research indicates that financial abuse is experienced in 98% of abusive relationships. In many cases, landlords that are willing to accommodate pets often charge a "pet deposit" and/or surplus rent as a condition of allowing pets. This additional cost may serve as a significant barrier to a victim's relocation. By clarifying existing law to specify that "pet deposits" and "pet rent" are eligible relocation costs, these victims would have a source of financial support to remove themselves from a violent situation.

-- END --