
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 1232 **Hearing Date:** April 10, 2018
Author: Bradford
Version: February 15, 2018
Urgency: No **Fiscal:** Yes
Consultant: SC

Subject: *Victims of Crime: Application for Compensation*

HISTORY

Source: Californians for Safety and Justice

Prior Legislation: SB 381 (de León), 2017, held in Assembly Appropriations Comm.
AB 1061 (Gloria), 2017, held in Assembly Appropriations Comm.
SB 556 (de León), 2016, held in Assembly Appropriations Comm.
AB 2160 (Bonta), 2016, held in Assembly Appropriations Comm.
SB 1324 (Hancock), Ch. 730, Stats. 2016
AB 1563 (Rodriguez), Ch. 121, Stats. 2016
AB 1140 (Bonta), Ch. 569, Stats. 2015
AB 2685 (Cooley), Ch. 508, Stats. 2014
SB 1299 (Wright), Ch. 870, Stats. 2012

Support: A New Way of Life Re-Entry Project; California Catholic Conference; California District Attorneys Association; Joyful Heart Foundation; National Association of Social Workers – California Chapter; Youth Alive

Opposition: None known

PURPOSE

The purpose of this bill is to extend the time limit to file an application for compensation with the California Victims Compensation Board within three years after the victim turns 21, instead of 18, years of age.

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 California Victims Compensation Claims Board (board) to operate the California Victim Compensation Program (CalVCP). (Gov. Code, §§ 13950 *et. seq.*)

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

- Medical or medical-related expenses incurred by the victim for services provided by a licensed medical provider;
- Out-patient psychiatric, psychological or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center;
- 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;
- Cash payment to, or on behalf of, the victim for job retraining or similar employment-oriented services;
- The expense of installing or increasing residential security, not to exceed \$1,000;
- The expense of renovating or retrofitting a victim's residence or a vehicle to make them accessible or operational, if it is medically necessary;
- 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,
- Funeral or burial expenses. (Gov. Code, § 13957, subd. (a).)

Existing law limits the total award to or on behalf of each victim to \$35,000, except that this amount may be increased up to \$70,000 if federal funds for that increase are available. (Gov. Code, § 13957, subd. (b).)

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 requires that an application shall be filed in accordance with the following time lines:

- Within three years of the date of the crime;
- Three years after the victim attains 18 year of age;
- Three years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later; or,
- If the application is based on one of the specified sex crimes against minors, the application may be filed any time prior to the victim's 28th birthday. (Gov. Code, § 13953, subd. (a).)

Existing law authorizes the board to grant an extension of the applicable time period for good cause. In making this determination, the board shall consider all of the following:

- Whether the victim or derivative victim incurs emotional harm or a pecuniary loss while testifying during the prosecution or in the punishment of the person accused or convicted of the crime; and,

- Whether the victim or derivative victim incurs emotional harm or a pecuniary loss when the person convicted of the crime is scheduled for a parole hearing or released from incarceration. (Gov. Code, § 13953, subd. (b).)

This bill requires an application to be filed within three years after the victim attains 21, instead of 18, years of age.

COMMENTS

1. Need for This Bill

According to the author:

Both youth under the age of 18 and young adults between the ages of 18-24 are particularly vulnerable following victimization.

Youth who have missed work or school to recover should receive financial support for counseling, therapy, and education or hospital bills. Reimbursement from [the California Victims Compensation Board] CalVCB can be used to help pay for these and other essential expenses such as food, rent, and transportation.

Stigma, depression, self-blaming, and lack of support are examples of barriers that contribute to the difficulty in addressing these traumas, especially for youth from marginalized, low-income, minority, and immigrant communities. Unfortunately, an understandable delay on the part of a youth or young person becoming comfortable seeking victim compensation can result in them not being eligible for this crucial assistance.

SB 1232 will afford victims of crime more time to apply for victim's compensation, allowing youth and young adults to receive the support and care they need. Ultimately, this bill will help prevent the cycle of crime and victimization, helping individuals, families, and communities heal.

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. Current Eligibility Requirements for Compensation

Under current law, the CalVCP reimburses eligible victims for specified expenses such as counseling and medical fees. Eligible persons are victims and derivative victims and the crime either occurred in California or the victim is a resident of California or a member or a family member living with a member of the military stationed in California. The victim or derivative victim must have sustained either physical injury or emotional injury for specified crimes.

Acts involving a motor vehicle, aircraft, or water vehicle do not constitute a crime for the purposes of reimbursement except as specified.

The application must also be filed in a timely manner. Timeliness of the application is specified in statute requiring the application to be filed three years of the date of the crime, three years after the victim attains 18 years of age, or three years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. Certain specified crimes against minors may be filed any time prior to the victim's 28th birthday. The board may however, for good cause, grant an extension of the specified time periods, as specified.

This bill extends the time limit to file an application for compensation within three years after the victim attains 21, instead of 18, years of age. All other time periods remain unchanged.

4. Argument in Support

Californians for Safety and Justice, the sponsor of this bill, writes:

Research has shown that, like youth aged 18 and younger, young adults between the ages of 18-24 are particularly vulnerable following victimization. They are also the most at-risk for later becoming involved in criminal activity if their needs are not met.

Trauma creates a negative neurobiological response in a developing brain and has a consequential relationship on a young person's maturation, including educational maturation and achievement. It can reduce the ability to focus, organize, and process information. If unaddressed, traumas suffered in youth can place youth and young adults on a pathway to becoming involved in criminal activity in their adult years.

These same effects of trauma, of course, make it difficult for young crime victims from marginalized, low-income, minority and immigrant communities to muster the wherewithal to successfully apply for financial assistance from the California Victim Compensation Board Restitution Fund is—a daunting task for any crime victim. By extending the period during which young crime victims who have suffered trauma can apply for compensation from the California Victim Compensation Board, this bill will reduce a significant barrier to young victims receiving the medical care and other assistance they need in order to recover and break the cycle of crime and trauma and its devastating impact upon our youth and their communities.

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