
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

Bill No: SB 299 **Hearing Date:** April 13, 2021

Author: Leyva

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Urgency: No

Fiscal: Yes

Consultant: SC

Subject: *Victim compensation: use of force by a law enforcement officer*

HISTORY

Source: Californians for Safety and Justice
California State Controller Betty T. Yee
Crime Survivors for Safety and Justice
Prosecutors Alliance of California
San Francisco District Attorney's Office
Youth ALIVE!

Prior Legislation: AB 767 (Grayson), held in Sen. Approps. Comm., 2020
AB 329 (Kamlager), was not heard by Sen. Pub. Safety Comm., 2020
AB 2649 (Weber), was not heard by Assem. Public Safety, 2020
AB 375 (Durazo), Ch. 592, 2019
SB 1232 (Bradford), Ch. 983, Stats. 2018
SB 381 (de León), 2017, held in Assem. Approps. Comm.
AB 1140 (Bonta), Ch. 569, Stats. 2015

Support: American Civil Liberties Union of California; Asian Americans Advancing Justice – California; Black Lives Matter – California; Black lives Matter – Los Angeles; Broken by Violence; California Alliance for Youth and Community Justice; California Partnership to End Domestic Violence; California Public Defenders Association; Californians United for A Responsible Budget; Drug Policy Alliance; Ella Baker Center for Human Rights; Fannie Lou Hamer Institute; Fresno Barrios Unidos; Futures Without Violence; Giffords Law Center to Prevent Gun Violence; Health Alliance for Violence Intervention; Initiate Justice; Integral Community Solutions Institute; Jireh-shalom Foundation; Life After Uncivil Ruthless Acts (LAURA); Legacy Alliance Outreach; Mid-City Community Advocacy Network; Mollie's House; Peace Over Violence; Public Health Advocates; Rafki Coalition for Health & Wellness; Rubicon Programs; Santa Cruz Barrios Unidos; Showing Up for Racial Justice (SURJ) San Diego; Smart Justice California; Take a Stand Committee; Time for Change Foundation; Underground Grit; United Core Alliance; We the People - San Diego; Young Women's Freedom Center

Opposition: California Police Chiefs Association; Peace Officers' Research Association of California (PORAC)

PURPOSE

The purpose of this bill is to expand eligibility for compensation under the California Victim Compensation Program for injuries or death caused by use of force by a law enforcement officer.

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 than 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 require submission of additional information supporting the application that is reasonably necessary to verify the application and determine eligibility for compensation. (Gov. Code, § 13952, subd. (c)(1).)

Existing law requires the board to verify with hospitals, physicians, law enforcement officials, or other interested parties involved, the treatment of the victim or derivative victim, circumstances of the crime, amounts paid or received by or for the victim or derivative victim, and any other pertinent information deemed necessary by the board. (Gov. Code, § 13954, subd. (a).)

Existing law requires an application to be filed in accordance with the following timelines:

- Within seven years of the date of the crime;
- Seven years after the victim attains 21 years of age; or,
- Seven years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered than an injury or death had been sustained as a direct result of crime, whichever is later. (Gov. Code, § 13953, subd. (a).)

Existing law defines “victim” to mean an individual who sustains injury or death as a direct result of a crime as specified. (Gov. Code, § 13951, subd. (e).)

Existing law defines “derivative victim” to mean an individual who sustains pecuniary loss as a result of injury or death to a victim. (Gov. Code, § 13951, subd. (e).)

Existing law defines “crime” for purposes of victim compensation to mean “a crime or public offense, wherever it may take place, that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult. (Gov. Code, § 13951, subd. (b)(1).)

This bill revises the definition of “crime” to specify that the offense is still a crime regardless of whether any person is arrested for, charged with, or convicted of the commission of the crime.

This bill states that “crime” also includes an incident occurring on or after January 1, 2022, in which an individual sustains serious bodily injury or death as a result of a peace officer’s use of force, regardless of whether the peace officer is arrested for, charged with, or convicted of committing a crime.

This bill defines “law enforcement officer” to include:

- A peace officer, defined in Penal Code Section 830, except investigators of the Public Employees’ Retirement System, investigators of the office of the Controller, persons employed by the Contractors State License Board designated by the Director of Consumer Affairs, investigators of the office of the Secretary of State; investigators employed by the Employment Development Department;
- A person employed by a local city, county, municipal or state governmental agency outside of this state who holds a substantially similar position to a peace officer;
- A federal criminal investigator, federal law enforcement officer, federal agent, or member of the National Guard, including but not limited to, officers of the United States Immigration and Customs Enforcement and United States Customs and Border Protection;

- Any person who is employed in, and has the authority or responsibility for maintaining custody of, persons housed or detained in a county, local, private, or federal locked facility that houses or detains individuals.

This bill defines “victim services provider” to mean an individual, whether paid or serving as a volunteer, who provides services to victims under the supervision of either an agency or organization that has a documented record of providing services to victims, or a law enforcement or prosecution agency.

Existing law provides that a person shall not be eligible for compensation under the following conditions:

- If the board finds that denial is appropriate because of the nature of the victim’s or other applicant’s involvement in the events leading to the crime, or the involvement of the person whose injury or death gives rise to the application. Factors that may be considered when making this determination include, but are not limited to:
 - The victim or derivative victim initiated the qualifying crime, or provoked or aggravated the suspect into initiating the qualifying crime;
 - The qualifying crime was a reasonably foreseeable consequence of the conduct of the victim or derivative victim;
 - The victim or derivative victim was committing a crime that could be charged as a felony and reasonably lead to them being victimized, unless the injury or death occurred as a direct result of specified crimes including rape, domestic violence, or statutory rape where the minor is under 16 and the perpetrator is over 20.
- If the board 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. In determining whether cooperation has been reasonable, the board shall consider:
 - The victim’s or derivative victim’s age, physical condition, and psychological state, cultural or linguistic barriers, any compelling health and safety concerns, including but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or victim’s family or the derivative victim or derivative victim’s family, and giving due consideration to the degree of cooperation of which the victim or derivative victim is capable in light of the presence of any of these factors.
 - A victim of domestic violence shall not be determined to have failed to cooperate based on their conduct with law enforcement at the scene of the crime.
 - Lack of cooperation shall not be found solely because a victim of sexual assault, domestic violence, or human trafficking delayed reporting the qualifying crime.

(Gov. Code, § 13956, subds. (a) & (b).)

Existing law states that if the victim is determined to have been involved in the events leading to the qualifying crime, factors that may be considered to mitigate or overcome involvement include, but are not limited to:

- The victim's injuries were significantly more serious than reasonably could have been expected based on the victim's level of involvement;
- A third party interfered in a manner not foreseeable by the victim or derivative victim; and,
- The board shall consider the victim's age, physical condition, and psychological state, as well as any compelling health and safety concerns, in determining whether the application should be denied for this reason. (Gov. Code, § 13956, subd. (a)(2).)

This bill states that for a claim based on a victim's serious bodily injury or death that resulted from a peace officer's use of force, the board shall not deny the application based on the victim's or other applicant's involvement in the qualifying crime that gave rise to the claim, except that the board may deny the application if the victim is convicted of a crime that resulted in serious bodily injury, as defined, or death of the officer or a civilian, and the crime occurred at the time of the incident on which the claim is based.

This bill provides that the board shall not consider a claim for compensation while charges are pending alleging that a victim of police use of force committed the crime, except that the board may approve a claim for psychiatric, psychological, or mental health counseling-related expenses at any time.

This bill specifies that a victim of police use of force may apply for compensation at any time for any expense other than psychiatric, psychological, or mental health counseling-related expenses, but the award of that compensation shall not be granted until the charges are no longer pending against the victim. If the victim is deceased, charges shall not be considered pending against the victim.

This bill states that if the claim is based on a victim's death as a result of a crime, the board shall not deny the application, in whole or in part, based on the deceased victim's involvement in the crime that gave rise to the claim.

This bill states that the board shall not deny a claim for psychiatric, psychological, or mental health counseling-related expenses, or for funeral and burial expenses, based on a victim's or derivative victim's involvement in the crime that gave rise to the claim.

Existing law states that a victim of domestic violence shall not be determined to have failed to cooperate based on his or her conduct with law enforcement at the scene of the crime. Lack of cooperation shall also not be found solely because a victim of sexual assault, domestic violence, or human trafficking delayed reporting the qualifying crime. (Gov. Code, § 13956, subd. (b)(1).)

Existing law provides that an application for a claim based on domestic violence, human trafficking, or sexual assault shall not be denied solely because a police report was not made by the victim and requires the board to adopt guidelines that allow it to consider and approve applications for assistance other than a police report to establish that a sexual assault crime has occurred. (Gov. Code, § 13956, subd. (b)(2)-(4).)

Existing law provides factors for the board to consider outside of a police report for applications for claims based on sexual assault, human trafficking or domestic violence to determine that a crime has occurred including, but not limited to medical records or mental health records. (Gov. Code, § 13956, subd. (b)(2)-(5).)

This bill states that for a claim based on a victim's serious bodily injury or death that resulted from a peace officer's use of force, the board shall not deny the application based on the victim's failure to cooperate.

This bill states that for a claim based on a victim's death as a result of a crime, the board shall not deny the application based on a victim's or derivative victim's failure to cooperate.

This bill states that the board shall not deny a claim for psychiatric, psychological, or mental health counseling-related expenses, or for funeral and burial expenses, based on a victim's or derivative victim's failure to cooperate.

This bill states that for applications based on a victim's serious bodily injury or death that resulted from a peace officer's use of force, the board shall not deny an application, in whole or in part, based solely upon the contents of a police report, or because a police report was not made, or based on whether any suspect was arrested or charged with the crime that gave rise to the claim. The board shall consider other evidence to establish that a qualifying crime occurred, which may include, but are not limited to, all of the following:

- Medical records documenting injuries consistent with the allegation of the qualifying crime;
- A written statement from a victim services provider stating that the victim is seeking services related to the qualifying crime;
- A permanent restraining order or protective order issued by a court to protect or separate the victim or derivative victim from the person who is responsible for the qualifying crime;
- A statement from a licensed medical provider, physician's assistant, nurse practitioner, or other person licensed to provide medical or mental health care documenting that the victim experienced, physical, mental, or emotional injury as a result of the qualifying crime;
- A written or oral report from a law enforcement agency stating that a qualifying crime was committed against the victim; or,
- Evidence that the qualifying crime was reported to the Department of Justice as an incident in which the use of force by a peace officer against a civilian resulted in serious bodily injury or death.

This bill provides that a person making a statement or report regarding a qualifying crime as specified may consider any information or evidence they deem relevant.

Existing law authorizes the filing of a petition for a writ of mandate in seeking judicial review of a final decision by the board. (Gov. Code, § 13960)

This bill prohibits, except as provided, a determination made by the board as to the eligibility of the victim for compensation or a writ of mandate from being used as evidence:

- That any person committed a crime or is liable for a victim's injury or death in any civil action or proceeding, or in any criminal action or proceeding, as specified; or,
- In any action, disciplinary investigation, or proceeding relating to the employment or duties of the peace officer, nor used as evidence to support any punitive action or denial of a promotion of a peace officer, when the claim is based on law enforcement's use of force.

COMMENTS

1. Need for This Bill

According to the author of this bill:

Current eligibility restrictions can lock victims of police violence and their families out of necessary and important compensation.

The California Victim Compensation Board (CalVCB), which administers the reimbursement program, can deny applications if it finds the victim was involved in the events that gave rise to the application, or if it finds that the survivor did not cooperate with police. These restrictions apply even when the victim is killed, compounding trauma for family members who are left without support. For most victims, CalVCB cannot approve a claim without a police report. Yet data collected by the U.S. Department of Justice in 2019 found that 6 in 10 violent victimizations are never reported to police. Victims of violent crime face a complex series of issues as they navigate the justice system, the healing process, and even everyday life. Acknowledging these complex needs and barriers to reporting, the State Legislature has taken action to allow for other forms of evidence. CalVCB may use other evidence to establish eligibility for victims of sexual assault, domestic violence, and human trafficking, but other victims are not afforded the same flexibility.

For survivors of police violence and loved ones of those killed by police, these restrictions are especially unreasonable. A police report documenting the victimization is often elusive to survivors. Survivors may understandably not want to speak with officers, resulting in denial for noncooperation. And state regulation encourages giving "significant weight... to the conclusions of a law enforcement agency" when assessing "involvement." In cases of police violence, this means the very people responsible for the victimization are tasked with assigning blame, and can deny the victim or their family access to critical resources.

Victim compensation is an important pathway for survivors to access support, as it can cover specific expenses such as medical bills, funeral and burial expenses, and counseling. Compensation is available only when a survivor has no other avenue for covering these costs (e.g. insurance or Medi-Cal). There are also limits on how much can be paid for each expense, and expenses must result directly from the crime.

SB 299 is critically important, as it ensures that more survivors receive the support needed to address their trauma, regardless of who caused that harm. Survivors of police violence and other violent crimes should not have to overcome unjust barriers to compensation. Ultimately, this bill will improve access to this crucial program for survivors.

SB 299 would further clarify that CalVCB's decisions regarding compensation eligibility are not admissible in any other civil or criminal proceeding, or—for cases of police use of force—in related employment proceedings.

2. Purpose and History of CalVCP

The California Victim Compensation Program (CalVCP) 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. 29, 2021].)

The CalVCP is considered the payer of last resort and can only pay treatment expenses after other available sources of payment have been applied to a bill. Those sources include, but are not limited to, health insurance, workers compensation insurance, automobile insurance, Medi-cal, and Medicare. (See California Victim Compensation Board's website, Billing and Payments page, <<https://victims.ca.gov/>> [as of Mar. 29, 2021].)

3. Eligibility Requirements for Compensation and Changes Made by This Bill

The CalVCP reimburses eligible victims for specified expenses such as counseling and medical fees. Eligible persons are victims and derivative victims where 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 violent crimes.

Once an application is filed, the board is required to verify with hospitals, physicians, law enforcement officials, or other interested parties involved, the treatment of the victim or derivative victim, circumstances of the crime, amounts paid or received by or for the victim or derivative victim, and any other pertinent information deemed necessary by the board. (Gov. Code, § 13954, subd. (a).) Any verification information requested by the board must be returned within 10 days of the request. (*Ibid.*) The applicant is also required to cooperate with the staff of the board or the victim center in the verification of the information contained in the application. Failure to cooperate may constitute grounds to reject the application. (Gov. Code, §13954, subd. (b)(1).)

Under existing law, the board may deny an application based on a finding that the victim was involved in the events leading to the crime or the victim's failure to reasonably cooperate with law enforcement. The proponents of this bill state that these disqualifying factors unjustly exclude victims of a law enforcement officer's use of force from compensation. Specifically, the board may find that the victim was involved in the events leading up to their own injury or death because of a minor act that caused the police to initiate contact with the victim or because the

victim resisted the officer's orders during the encounter. The board may also find that the victim failed to reasonably cooperate with law enforcement by not filing a police report regarding the use of force or not answering officers' questions when arrested or detained.

This bill expands compensation eligibility for victims who sustain serious injury or death caused by a law enforcement officer's use of force. This bill accomplishes this by expanding the definition of a qualifying crime to include "an incident occurring on or after January 1, 2022, in which an individual sustains serious bodily injury, as defined in Section 243 of the Penal Code, or death as a result of a law enforcement officer's use of force, regardless of whether the law enforcement officer is arrested for, charged with, or convicted of committing a crime." Serious bodily injury is defined in existing law as "a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss of impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. (Pen. Code, § 243, subd. (f)(4).)

This bill defines law enforcement officer to include peace officers, as defined in Penal Code section 830 except as specified; persons employed by a local city, county, municipal or state governmental agency outside of this state who hold a substantially similar position to a peace officer; federal officers and agents; and correctional officers in both private and public detention facilities. One of the disqualifying factors for compensation is that the applicant is currently incarcerated (Gov. Code, § 13966, subd. (c)(1)) and this bill does not otherwise make this group eligible. Thus, victims of the new qualifying crime of law enforcement's use of force would include anyone else who may come into contact with a correctional officer, such as a visiting family member of an inmate.

This bill states that for claims involving serious bodily or death caused by law enforcement use of force, the board shall not deny an application for compensation based on the victim's or other applicant's involvement in the qualifying crime that gave rise to the claim, except in cases where the victim is convicted of a crime that resulted in serious bodily injury or death of the officer or a civilian, and the crime occurred at the time of the incident on which the claim is based. The board shall not consider a claim for compensation while charges are pending alleging that a victim committed the crime, except that the board may approve a claim for psychiatric, psychological, or mental health counseling-related expenses. A victim may apply for compensation at any time for any expense other than psychiatric, psychological, or mental health counseling-related expenses, but the award of that compensation shall not be granted until the charges are no longer pending against the victim. However, if the victim is deceased, charges shall not be considered pending against the victim.

Under existing law, the board is required to approve or deny an application within an average of 90 calendar days and no longer than 180 days of acceptance by the board or victim center. (Gov. Code, § 13958.) If the board fails to meet the 90 day average, the board is required to report to the Legislature on a quarterly basis, its progress and current average time of processing applications until it meets the 90-day average standard for two consecutive quarters. (Gov. Code, §13958, subd. (a).) Allowing victims to apply for compensation while criminal charges may be pending against the victim may create delays in approving or denying applications, which could lead to an overall increase in the average length of time the board approves or denies applications.

This bill also provides that in claims involving serious injury or death caused by law enforcement use of force, the board shall not deny an application based on the victim's failure to

cooperate. Additionally, the bill states that the board shall not deny an application, in whole or in part, based solely upon the contents of a police report, or because a police report was not made, or based on whether any suspect was arrested or charged with the crime that gave rise to the claim. The board shall consider other evidence to establish that a qualifying crime occurred, as specified. These provisions are similar to existing provisions for victims of domestic violence and sexual assault. (Gov. Code, §13956, subd. (b)(2)-(4).)

This bill limits the board's ability to deny a claim based on a finding that a victim failed to reasonably cooperate with law enforcement. Existing law provides that “[i]n determining whether cooperation has been reasonable, the board shall consider the victim or derivative victim's age, physical condition, and psychological state, cultural or linguistic barriers, and any compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or victim's family or derivative victim or derivative victim's family, and giving due consideration to the degree of cooperation of which the victim or derivative victim is capable in light of the presence of these factors.” (Gov. Code, § 13956, subd. (b)(1).)

This bill further provides that if the claim is based on a victim's death as a result of the crime, or the claim is for psychiatric, psychological, or mental health counseling expenses, or for funeral and burial expenses, the board shall not deny the application based on a victim or derivative victim's failure to cooperate or based on a victim's or derivative victim's involvement in the qualifying crime that gave rise to the claim.

3. Fund Condition of CalVCP

The Restitution Fund, which funds CalVCP, has been operating under a structural deficiency for a number of years. In 2015, the Legislative Analyst's Office reported the Restitution Fund was depleting and would eventually face insolvency. Although revenue has remained consistent, expenditures have outpaced revenues since FY 2015-16. The Governor's 2021-22 budget proposed \$33 million dollars in one-time General Fund monies to backfill declining fine and fee revenues in the Restitution Fund, and \$39.5 million annually afterwards. This amount will allow the CalVCP to continue operating at its current resource level. Expanding compensation eligibility to victims currently not eligible will put cost pressures on an already deficient fund.

4. San Francisco District Attorney's Office Compensation for Victims of Police Violence

In June of last year, San Francisco District Attorney (DA) Chesa Boudin announced a new policy to provide compensation for victims of police violence that occurred in San Francisco or to a San Francisco resident. The new program made victims and their families eligible for up to \$7,500 in funeral costs, \$5,000 for medical bills, \$2,500 for relocation costs, \$1,000 for mental health treatment and \$1,000 for crime scene cleanup if property is damaged during an incident. The district attorney's office will determine eligibility and may require documentation of harm such as medical bills. The program will not apply retroactively. (Iovino, *San Francisco DA Makes Victims of Police Violence Eligible for Compensation*, Courthouse News Service (June 9, 2020) <<https://www.courthousenews.com/san-francisco-da-makes-victims-of-police-violence-eligible-for-compensation/>> [as of April 1, 2021].)

To date, the San Francisco DA's program has provided victim compensation to less than 10 victim applicants of police violence.

5. Argument in Support

According to Black Lives Matter – California:

The California Victim Compensation Board (CalVCB), which administers the reimbursement program, can deny applications if it finds the victim was involved in the events that gave rise to the application, or if it finds that the survivor did not cooperate with police. These restrictions apply even when the victim is killed, compounding trauma for family members who are left without support. For most victims, CalVCB cannot approve a claim without a police report. Yet data collected by the U.S. Department of Justice in 2019 found that 6 in 10 violent victimizations are never reported to police. Victims of violent crime face a complex series of issues as they navigate the justice system, the healing process, and even everyday life. Acknowledging these complex needs and barriers to reporting, the state legislature has taken action to allow for other forms of evidence. CalVCB may use other evidence to establish eligibility for victims of sexual assault, domestic violence, and human trafficking, but other victims are not afforded the same flexibility.

For survivors of police violence and loved ones of those killed by police, these restrictions are especially perverse. A police report documenting the victimization is often elusive. Survivors may not want to speak with officers, resulting in exclusion for noncooperation. And, state regulation encourages giving “significant weight . . . to the conclusions of a law enforcement agency” when assessing “involvement.” The very people responsible for the victimization are tasked with assigning blame, and denying the victim or their family access to needed resources.

These policies also entrench racist perceptions of survivors as “deserving” or “undeserving,” and disproportionately deny survivors of color compensation. Analyses of compensation denials in other states have found that states apply subjective “contributory misconduct” exclusions to deny Black victims and families at disproportionate rates. (Fn. omitted.)

6. Argument in Opposition

According to the Peace Officers' Research Association of California (PORAC):

Current law 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. Current law defines various terms for purposes of these provisions, including “crime,” which includes any public offense wherever it may take place that would constitute a misdemeanor or felony. This bill would revise the definition of “crime” to include any public offense described above regardless of whether any person is arrested for, charged, or convicted of the commission of the crime.

PORAC's concern is that the language in SB 299 would now open up victim compensation awards when a crime has not been committed and without any type of police report. If a person feels they have been victimized by a peace officer, they generally report that as a complaint to the officer's department. That complaint is automatically investigated under current law. That complaint also generates a report that the victim can use when applying for compensation from the fund.

PORAC believes that the Victim Compensation Fund is an important aspect of crime victim's path to healing. However, the amount of compensation available in the fund is very limited and the overbreadth of this legislation would severely limit access to funds.

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