

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1629

**Introduced by Assembly Member Bonta
(Coauthors: Assembly Members Garcia, Maienschein,
V. Manuel Pérez, Skinner, Ting, and Waldron)**

February 10, 2014

An act to ~~amend Sections 13951 and 13957~~ *add and repeal Section 13957.9* of the Government Code, relating to crime victims, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1629, as amended, Bonta. Crime victims: compensation: reimbursement of violence peer counseling expenses.

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award. Existing law authorizes the board to reimburse a crime victim or derivative victim for the amount of outpatient mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center, as specified.

This bill would additionally, *until January 1, 2017*, authorize the board to reimburse a crime victim or derivative victim for the amount

of outpatient violence peer counseling-related expenses incurred by the victim or derivative victim, as specified. By expanding the authorization for the use of moneys in a continuously appropriated fund, this bill would make an appropriation.

Vote: $\frac{2}{3}$. 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 13957.9 is added to the Government Code,
 2 to read:
 3 13957.9. (a) (1) In addition to the authorization provided in
 4 Section 13957, the board may grant for pecuniary loss, when the
 5 board determines it will best aid the person seeking compensation,
 6 as follows:
 7 (2) Subject to the limitations set forth in Section 13957.2,
 8 reimburse the amount of outpatient psychiatric, psychological, or
 9 other mental health counseling-related expenses incurred by the
 10 victim or derivative victim, including peer counseling services
 11 provided by violence peer counseling services provided by a service
 12 organization for victims of violent crime, and including family
 13 psychiatric, psychological, or mental health counseling for the
 14 successful treatment of the victim provided to family members of
 15 the victim in the presence of the victim, whether or not the family
 16 member relationship existed at the time of the crime, that became
 17 necessary as a direct result of the crime, subject to the following
 18 conditions:
 19 (A) The following persons may be reimbursed for the expense
 20 of their outpatient mental health counseling in an amount not to
 21 exceed ten thousand dollars (\$10,000):
 22 (i) A victim.
 23 (ii) A derivative victim who is the surviving parent, sibling,
 24 child, spouse, fiancé, or fiancée of a victim of a crime that directly
 25 resulted in the death of the victim.
 26 (iii) A derivative victim, as described in paragraphs (1) to (4),
 27 inclusive, of subdivision (c) of Section 13955, who is the primary
 28 caretaker of a minor victim whose claim is not denied or reduced
 29 pursuant to Section 13956 in a total amount not to exceed ten
 30 thousand dollars (\$10,000) for not more than two derivative
 31 victims.

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

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

9 (ii) *A victim of a crime of unlawful sexual intercourse with a*
10 *minor committed in violation of subdivision (d) of Section 261.5*
11 *of the Penal Code. A derivative victim of a crime committed in*
12 *violation of subdivision (d) of Section 261.5 of the Penal Code*
13 *shall not be eligible for reimbursement of mental health counseling*
14 *expenses.*

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

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

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

30 (i) *A person who would have been authorized to provide those*
31 *services pursuant to former Article 1 (commencing with Section*
32 *13959) as it read on January 1, 2002.*

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

37 (b) *The total award to or on behalf of each victim or derivative*
38 *victim may not exceed thirty-five thousand dollars (\$35,000), except*
39 *that this amount may be increased to seventy thousand dollars*
40 *(\$70,000) if federal funds for that increase are available.*

1 (c) For the purposes of this section, the following definitions
2 shall apply:

3 (1) “Service organization for victims of violent crime” means
4 a nongovernmental organization that meets both of the following
5 criteria:

6 (A) Its primary mission is to provide services to victims of violent
7 crime.

8 (B) It provides programs or services to victims of violent crime
9 and their families, and other programs, whether or not a similar
10 program exists in an agency that provides additional services.

11 (2) “Violence peer counseling services” means counseling by
12 a violence peer counselor for the purpose of rendering advice or
13 assistance for victims of violent crime and their families.

14 (3) “Violence peer counselor” means a provider of formal or
15 informal counseling services who is employed by a service
16 organization for victims of violent crime, whether financially
17 compensated or not, and who meets all of the following
18 requirements:

19 (A) Possesses at least six months of full-time equivalent
20 experience in providing peer support services acquired through
21 employment, volunteer work, or as part of an internship experience.

22 (B) Completed a training program aimed at preparing an
23 individual who was once a mental health services consumer to use
24 his or her life experience with mental health treatment, combined
25 with other strengths and skills, to promote the mental health
26 recovery of other mental health services consumers who are in
27 need of peer-based services relating to recovery as a victim of a
28 violent crime.

29 (C) Possesses 40 hours of training on all of the following:

30 (i) The profound neurological, biological, psychological, and
31 social effects of trauma and violence.

32 (ii) Peace-building and violence prevention strategies, including,
33 but not limited to, conflict mediation and retaliation prevention
34 related to gangs and gang-related violence.

35 (iii) Post-traumatic stress disorder and vicarious trauma,
36 especially as related to gangs and gang-related violence.

37 (iv) Case management practices, including, but not limited to,
38 ethics and victim compensation advocacy.

39 (D) When providing violence peer counseling services, is
40 supervised by a marriage and family therapist licensed pursuant

1 to Chapter 13 (commencing with Section 4980) of Division 2 of
2 the Business and Professions Code, a licensed educational
3 psychologist licensed pursuant to Chapter 13.5 (commencing with
4 Section 4989.10) of Division 2 of the Business and Professions
5 Code, a clinical social worker licensed pursuant to Chapter 14
6 (commencing with Section 4991) of Division 2 of the Business and
7 Professions Code, or a licensed professional clinical counselor
8 licensed pursuant to Chapter 16 (commencing with Section
9 4999.10) of Division 2 of the Business and Professions Code. For
10 the purposes of this subparagraph, the supervision requirement
11 is satisfied if a licensed marriage and family therapist, licensed
12 educational psychologist, licensed clinical social worker, or a
13 licensed professional clinical counselor is employed by the same
14 service organization as the violence peer counselor.

15 (d) This section shall remain in effect only until January 1, 2017,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2017, deletes or extends that date.

18 ~~SECTION 1. Section 13951 of the Government Code is~~
19 ~~amended to read:~~

20 ~~13951. As used in this chapter, the following definitions shall~~
21 ~~apply:~~

22 ~~(a) "Board" means the California Victim Compensation and~~
23 ~~Government Claims Board.~~

24 ~~(b) (1) "Crime" means a crime or public offense, wherever it~~
25 ~~may take place, that would constitute a misdemeanor or a felony~~
26 ~~if the crime had been committed in California by a competent~~
27 ~~adult.~~

28 ~~(2) "Crime" includes an act of terrorism, as defined in Section~~
29 ~~2331 of Title 18 of the United States Code, committed against a~~
30 ~~resident of the state, whether or not the act occurs within the state.~~

31 ~~(c) "Derivative victim" means an individual who sustains~~
32 ~~pecuniary loss as a result of injury or death to a victim.~~

33 ~~(d) "Law enforcement" means every district attorney, municipal~~
34 ~~police department, sheriff's department, district attorney's office,~~
35 ~~county probation department, and social services agency, the~~
36 ~~Department of Justice, the Department of Corrections and~~
37 ~~Rehabilitation, the Department of the Youth Authority, the~~
38 ~~Department of the California Highway Patrol, the police~~
39 ~~department of any campus of the University of California,~~
40 ~~California State University, or community college, and every~~

1 agency of the State of California expressly authorized by statute
2 to investigate or prosecute law violators.

3 (e) “Pecuniary loss” means an economic loss or expense
4 resulting from an injury or death to a victim of crime that has not
5 been and will not be reimbursed from any other source.

6 (f) “Peer counseling” means counseling offered by a provider
7 of mental health counseling services who has completed a
8 specialized course in rape crisis counseling skills development,
9 participates in continuing education in rape crisis counseling skills
10 development, and provides rape crisis counseling within the State
11 of California.

12 (g) “Service organization for victims of violent crime” means
13 a nongovernmental organization that meets both of the following
14 criteria:

15 (1) Its primary mission is to provide services to victims of
16 violent crime.

17 (2) It provides programs or services to victims of violent crime
18 and their families, and other programs, whether or not a similar
19 program exists in an agency that provides additional services.

20 (h) “Victim” means an individual who sustains injury or death
21 as a direct result of a crime as specified in subdivision (c) of
22 Section 13955.

23 (i) “Victim center” means a victim and witness assistance center
24 that receives funds pursuant to Section 13835.2 of the Penal Code.

25 (j) “Violence peer counseling” means counseling by a violence
26 peer counselor for the purpose of rendering advice or assistance
27 for victims of violent crime and their families.

28 (k) “Violence peer counselor” means a provider of formal or
29 informal counseling services who is employed by a service
30 organization for victims of violent crime, whether financially
31 compensated or not, and who meets all of the following
32 requirements:

33 (1) Possesses at least six months of full-time equivalent
34 experience in providing peer support services acquired through
35 employment, volunteer work, or as part of an internship experience.

36 (2) Completed a training program aimed at preparing an
37 individual who was once a mental health services consumer to use
38 his or her life experience with mental health treatment, combined
39 with other strengths and skills, to promote the mental health
40 recovery of other mental health services consumers who are in

1 need of peer-based services relating to recovery as a victim of a
2 violent crime.

3 (3) Possesses 40 hours of training on all of the following:

4 (A) The profound neurological, biological, psychological, and
5 social effects of trauma and violence.

6 (B) Peace-building and violence prevention strategies, including,
7 but not limited to, conflict mediation and retaliation prevention
8 related to gangs and gang-related violence.

9 (C) Post-traumatic stress disorder and vicarious trauma,
10 especially as related to gangs and gang-related violence.

11 (D) Case management practices, including, but not limited to,
12 ethics and victim compensation advocacy.

13 SEC. 2. Section 13957 of the Government Code, as amended
14 by Section 2 of Chapter 147 of the Statutes of 2013, is amended
15 to read:

16 13957. (a) The board may grant for pecuniary loss, when the
17 board determines it will best aid the person seeking compensation,
18 as follows:

19 (1) Subject to the limitations set forth in Section 13957.2,
20 reimburse the amount of medical or medical-related expenses
21 incurred by the victim, including, but not limited to, eyeglasses,
22 hearing aids, dentures, or any prosthetic device taken, lost, or
23 destroyed during the commission of the crime, or the use of which
24 became necessary as a direct result of the crime.

25 (2) Subject to the limitations set forth in Section 13957.2,
26 reimburse the amount of outpatient psychiatric, psychological, or
27 other mental health counseling-related expenses incurred by the
28 victim or derivative victim, including peer counseling services
29 provided by a rape crisis center as defined by Section 13837 of
30 the Penal Code or violence peer counseling services provided by
31 a service organization for victims of violent crime, and including
32 family psychiatric, psychological, or mental health counseling for
33 the successful treatment of the victim provided to family members
34 of the victim in the presence of the victim, whether or not the
35 family member relationship existed at the time of the crime, that
36 became necessary as a direct result of the crime, subject to the
37 following conditions:

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

1 ~~(i) A victim.~~

2 ~~(ii) A derivative victim who is the surviving parent, sibling,~~
3 ~~child, spouse, fiancé, or fiancée of a victim of a crime that directly~~
4 ~~resulted in the death of the victim.~~

5 ~~(iii) A derivative victim, as described in paragraphs (1) to (4),~~
6 ~~inclusive, of subdivision (c) of Section 13955, who is the primary~~
7 ~~caretaker of a minor victim whose claim is not denied or reduced~~
8 ~~pursuant to Section 13956 in a total amount not to exceed ten~~
9 ~~thousand dollars (\$10,000) for not more than two derivative~~
10 ~~victims.~~

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

14 ~~(i) A derivative victim not eligible for reimbursement pursuant~~
15 ~~to subparagraph (A), provided that mental health counseling of a~~
16 ~~derivative victim described in paragraph (5) of subdivision (c) of~~
17 ~~Section 13955, shall be reimbursed only if that counseling is~~
18 ~~necessary for the treatment of the victim.~~

19 ~~(ii) A victim of a crime of unlawful sexual intercourse with a~~
20 ~~minor committed in violation of subdivision (d) of Section 261.5~~
21 ~~of the Penal Code. A derivative victim of a crime committed in~~
22 ~~violation of subdivision (d) of Section 261.5 of the Penal Code~~
23 ~~shall not be eligible for reimbursement of mental health counseling~~
24 ~~expenses.~~

25 ~~(iii) A minor who suffers emotional injury as a direct result of~~
26 ~~witnessing a violent crime and who is not eligible for~~
27 ~~reimbursement of the costs of outpatient mental health counseling~~
28 ~~under any other provision of this chapter. To be eligible for~~
29 ~~reimbursement under this clause, the minor must have been in~~
30 ~~close proximity to the victim when he or she witnessed the crime.~~

31 ~~(C) The board may reimburse a victim or derivative victim for~~
32 ~~outpatient mental health counseling in excess of that authorized~~
33 ~~by subparagraph (A) or (B) or for inpatient psychiatric,~~
34 ~~psychological, or other mental health counseling if the claim is~~
35 ~~based on dire or exceptional circumstances that require more~~
36 ~~extensive treatment, as approved by the board.~~

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

1 ~~(i) A person who would have been authorized to provide those~~
2 ~~services pursuant to former Article 1 (commencing with Section~~
3 ~~13959) as it read on January 1, 2002.~~

4 ~~(ii) A person who is licensed by the state to provide those~~
5 ~~services, or who is properly supervised by a person who is so~~
6 ~~licensed, subject to the board's approval and subject to the~~
7 ~~limitations and restrictions the board may impose.~~

8 ~~(3) Reimburse the expenses of nonmedical remedial care and~~
9 ~~treatment rendered in accordance with a religious method of healing~~
10 ~~recognized by state law.~~

11 ~~(4) Subject to the limitations set forth in Section 13957.5,~~
12 ~~authorize compensation equal to the loss of income or loss of~~
13 ~~support, or both, that a victim or derivative victim incurs as a direct~~
14 ~~result of the victim's or derivative victim's injury or the victim's~~
15 ~~death. If the victim or derivative victim requests that the board~~
16 ~~give priority to reimbursement of loss of income or support, the~~
17 ~~board may not pay medical expenses, or mental health counseling~~
18 ~~expenses, except upon the request of the victim or derivative victim~~
19 ~~or after determining that payment of these expenses will not~~
20 ~~decrease the funds available for payment of loss of income or~~
21 ~~support.~~

22 ~~(5) Authorize a cash payment to or on behalf of the victim for~~
23 ~~job retraining or similar employment-oriented services.~~

24 ~~(6) Reimburse the claimant for the expense of installing or~~
25 ~~increasing residential security, not to exceed one thousand dollars~~
26 ~~(\$1,000). Reimbursement shall be made either upon verification~~
27 ~~by law enforcement that the security measures are necessary for~~
28 ~~the personal safety of the claimant or verification by a mental~~
29 ~~health treatment provider that the security measures are necessary~~
30 ~~for the emotional well-being of the claimant. For purposes of this~~
31 ~~paragraph, a claimant is the crime victim, or, if the victim is~~
32 ~~deceased, a person who resided with the deceased at the time of~~
33 ~~the crime. Installing or increasing residential security may include,~~
34 ~~but need not be limited to, both of the following:~~

35 ~~(A) Home security device or system.~~

36 ~~(B) Replacing or increasing the number of locks.~~

37 ~~(7) Reimburse the expense of renovating or retrofitting a~~
38 ~~victim's residence or a vehicle, or both, to make the residence, the~~
39 ~~vehicle, or both, accessible or the vehicle operational by a victim~~
40 ~~upon verification that the expense is medically necessary for a~~

1 victim who is permanently disabled as a direct result of the crime,
2 whether the disability is partial or total.

3 ~~(8) (A) Authorize a cash payment or reimbursement not to~~
4 ~~exceed two thousand dollars (\$2,000) to a victim for expenses~~
5 ~~incurred in relocating, if the expenses are determined by law~~
6 ~~enforcement to be necessary for the personal safety of the victim~~
7 ~~or by a mental health treatment provider to be necessary for the~~
8 ~~emotional well-being of the victim.~~

9 ~~(B) The cash payment or reimbursement made under this~~
10 ~~paragraph shall only be awarded to one claimant per crime giving~~
11 ~~rise to the relocation. The board may authorize more than one~~
12 ~~relocation per crime if necessary for the personal safety or~~
13 ~~emotional well-being of the claimant. However, the total cash~~
14 ~~payment or reimbursement for all relocations due to the same crime~~
15 ~~shall not exceed two thousand dollars (\$2,000). For purposes of~~
16 ~~this paragraph a claimant is the crime victim, or, if the victim is~~
17 ~~deceased, a person who resided with the deceased at the time of~~
18 ~~the crime.~~

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

22 ~~(i) The crime occurs more than three years from the date of the~~
23 ~~crime giving rise to the initial relocation cash payment or~~
24 ~~reimbursement.~~

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

26 ~~(D) When a relocation payment or reimbursement is provided~~
27 ~~to a victim of sexual assault or domestic violence and the identity~~
28 ~~of the offender is known to the victim, the victim shall agree not~~
29 ~~to inform the offender of the location of the victim's new residence~~
30 ~~and not to allow the offender on the premises at any time, or shall~~
31 ~~agree to seek a restraining order against the offender.~~

32 ~~(E) Notwithstanding subparagraphs (A) and (B), the board may~~
33 ~~increase the cash payment or reimbursement for expenses incurred~~
34 ~~in relocating to an amount greater than two thousand dollars~~
35 ~~(\$2,000), if the board finds this amount is appropriate due to the~~
36 ~~unusual, dire, or exceptional circumstances of a particular claim.~~

37 ~~(9) When a victim dies as a result of a crime, the board may~~
38 ~~reimburse any individual who voluntarily, and without anticipation~~
39 ~~of personal gain, pays or assumes the obligation to pay any of the~~
40 ~~following expenses:~~

1 ~~(A) The medical expenses incurred as a direct result of the crime~~
2 ~~in an amount not to exceed the rates or limitations established by~~
3 ~~the board.~~
4 ~~(B) The funeral and burial expenses incurred as a direct result~~
5 ~~of the crime, not to exceed seven thousand five hundred dollars~~
6 ~~(\$7,500).~~
7 ~~(10) When the crime occurs in a residence, the board may~~
8 ~~reimburse any individual who voluntarily, and without anticipation~~
9 ~~of personal gain, pays or assumes the obligation to pay the~~
10 ~~reasonable costs to clean the scene of the crime in an amount not~~
11 ~~to exceed one thousand dollars (\$1,000). Services reimbursed~~
12 ~~pursuant to this subdivision shall be performed by persons~~
13 ~~registered with the State Department of Public Health as trauma~~
14 ~~scene waste practitioners in accordance with Chapter 9.5~~
15 ~~(commencing with Section 118321) of Part 14 of Division 104 of~~
16 ~~the Health and Safety Code.~~
17 ~~(b) The total award to or on behalf of each victim or derivative~~
18 ~~victim may not exceed thirty-five thousand dollars (\$35,000),~~
19 ~~except that this amount may be increased to seventy thousand~~
20 ~~dollars (\$70,000) if federal funds for that increase are available.~~