

AMENDED IN SENATE AUGUST 21, 2014

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 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: 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
2 Code, to read:

3 13957.9. (a) ~~(1)~~ In addition to the authorization provided in
4 ~~Section 13957, 13957 and subject to the limitations set forth in~~
5 ~~Section 13957.2~~, the board may grant for pecuniary loss, when the
6 board determines it will best aid the person seeking compensation,
7 ~~as follows:~~

8 ~~(2) Subject to the limitations set forth in Section 13957.2,~~
9 ~~reimburse reimbursement of~~ the amount of outpatient psychiatric,
10 psychological, or other mental health counseling-related expenses
11 incurred by the victim or derivative victim, including peer
12 counseling services provided by violence peer counseling services
13 provided by a service organization for victims of violent crime,
14 and including family psychiatric, psychological, or mental health
15 counseling for the successful treatment of the victim provided to
16 family members of the victim in the presence of the victim, whether
17 or not the family member relationship existed at the time of the
18 crime, that became necessary as a direct result of the crime, subject
19 to the following conditions:

20 ~~(A)~~

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

24 (i)

25 (A) A victim.

26 (ii)

27 (B) A derivative victim who is the surviving parent, sibling,
28 child, spouse, fiancé, or fiancée of a victim of a crime that directly
29 resulted in the death of the victim.

30 (iii)

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

7 ~~(B)~~

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

11 (i)

12 (A) A derivative victim not eligible for reimbursement pursuant
13 to ~~subparagraph (A)~~, *paragraph (1)*, provided that mental health
14 counseling of a derivative victim described in paragraph (5) of
15 subdivision (c) of Section 13955, shall be reimbursed only if that
16 counseling is necessary for the treatment of the victim.

17 (ii)

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

24 (iii)

25 (C) 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 ~~(E)~~

32 (3) The board may reimburse a victim or derivative victim for
33 outpatient mental health counseling in excess of that authorized
34 by ~~subparagraph (A) or (B)~~ *paragraph (1) or (2)* or for inpatient
35 psychiatric, psychological, or other mental health counseling if
36 the claim is based on dire or exceptional circumstances that require
37 more extensive treatment, as approved by the board.

38 ~~(D)~~

1 (4) Expenses for psychiatric, psychological, or other mental
2 health counseling-related services may be reimbursed only if the
3 services were provided by either of the following individuals:

4 (i)

5 (A) A person who would have been authorized to provide those
6 services pursuant to former Article 1 (commencing with Section
7 13959) as it read on January 1, 2002.

8 (ii)

9 (B) A person who is licensed by the state to provide those
10 services, or who is properly supervised by a person who is so
11 licensed, subject to the board's approval and subject to the
12 limitations and restrictions the board may impose.

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

17 (c) For the purposes of this section, the following definitions
18 shall apply:

19 (1) "Service organization for victims of violent crime" means
20 a nongovernmental organization that meets both of the following
21 criteria:

22 (A) Its primary mission is to provide services to victims of
23 violent crime.

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

27 (2) "Violence peer counseling services" means counseling by
28 a violence peer counselor for the purpose of rendering advice or
29 assistance for victims of violent crime and their families.

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

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

38 (B) Completed a training program aimed at preparing an
39 individual who was once a mental health services consumer to use
40 his or her life experience with mental health treatment, combined

1 with other strengths and skills, to promote the mental health
2 recovery of other mental health services consumers who are in
3 need of peer-based services relating to recovery as a victim of a
4 violent crime.

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

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

8 (ii) Peace-building and violence prevention strategies, including,
9 but not limited to, conflict mediation and retaliation prevention
10 related to gangs and gang-related violence.

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

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

15 (D) When providing violence peer counseling services, is
16 supervised by a marriage and family therapist licensed pursuant
17 to Chapter 13 (commencing with Section 4980) of Division 2 of
18 the Business and Professions Code, a licensed educational
19 psychologist licensed pursuant to Chapter 13.5 (commencing with
20 Section 4989.10) of Division 2 of the Business and Professions
21 Code, a clinical social worker licensed pursuant to Chapter 14
22 (commencing with Section 4991) of Division 2 of the Business
23 and Professions Code, or a licensed professional clinical counselor
24 licensed pursuant to Chapter 16 (commencing with Section
25 4999.10) of Division 2 of the Business and Professions Code. For
26 the purposes of this subparagraph, ~~the supervision requirement is~~
27 ~~satisfied~~ if a licensed marriage and family therapist, licensed
28 educational psychologist, licensed clinical social worker, or a
29 licensed professional clinical counselor ~~is~~ *shall be* employed by
30 the same service organization as the violence peer counselor.

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

O