

Introduced by Senator WrightJanuary 7, 2013

An act to amend Section 13951 of the Government Code, relating to the Victims of Crime Act, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as introduced, Wright. Victims of Crime Act: elderly adults.

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.

This bill would include financial abuse of an elderly or dependent adult within the definition of crimes that are eligible for compensation under these provisions and provide legislative findings and declarations regarding financial crimes against elderly or dependent adults.

By expanding the application of provisions authorizing certain uses of continuously appropriated funds, 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. The Legislature finds and declares:

1 (a) California has the highest number of older adults compared
2 to any other state in the nation, with 4.2 million individuals over
3 65 years of age counted in the 2010 census.

4 (b) Elderly and dependent adults are seen as easy targets by
5 financial predators who take advantage of their victims' loneliness,
6 isolation, and vulnerability. This population often falls victim to
7 scams such as foreign lotteries, the sale of costly and ineffective
8 annuities, identity theft, reverse mortgage scams, and fraudulent
9 home repairs.

10 (c) A 1998 study reported in the Journal of The American
11 Medical Association (Lachs et al, 1998) found that an elder
12 victimized by financial abuse has a decreased projected lifespan
13 when compared to elders who have not suffered that exploitation.

14 (d) State Department of Social Services reports that as many as
15 1,600 reports of elder and dependent adult financial abuse are
16 under investigation in a given month by the Adult Protective
17 Services Division statewide.

18 (e) The California Victims of Crime Program does not serve
19 this population even though federal law allows Victims of Crime
20 Act funds to be used to assist victims of financial crimes. Federal
21 guidelines identify elders and dependent adults as being
22 underserved in this area.

23 (f) Many states already provide assistance to victims of financial
24 crimes, including Colorado, Florida, Idaho, New Jersey, New
25 York, Oklahoma, Vermont, Pennsylvania, and Wyoming.

26 SEC. 2. Section 13951 of the Government Code is amended
27 to read:

28 13951. As used in this chapter, the following definitions shall
29 apply:

30 (a) "Board" means the California Victim Compensation and
31 Government Claims Board.

32 (b) (1) "Crime" means a crime or public offense, *including*
33 *financial abuse of an elderly or dependent adult*, wherever it may
34 take place, that would constitute a misdemeanor or a felony if the
35 crime had been committed in California by a competent adult.

36 (2) "Crime" includes an act of terrorism, as defined in Section
37 2331 of Title 18 of the United States Code, committed against a
38 resident of the state, whether or not the act occurs within the state.

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

1 (d) “Law enforcement” means every district attorney, municipal
2 police department, sheriff’s department, district attorney’s office,
3 county probation department, and social services agency, the
4 Department of Justice, the Department of Corrections *and*
5 *Rehabilitation*, the ~~Department of the Youth Authority Division~~
6 *of Juvenile Facilities*, *Department of Corrections and*
7 *Rehabilitation*, the Department of the California Highway Patrol,
8 the police department of any campus of the University of
9 California, California State University, or community college, and
10 every agency of the State of California expressly authorized by
11 statute to investigate or prosecute law violators.

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

15 (f) “Peer counseling” means counseling offered by a provider
16 of mental health counseling services who has completed a
17 specialized course in rape crisis counseling skills development,
18 participates in continuing education in rape crisis counseling skills
19 development, and provides rape crisis counseling within the State
20 of California.

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

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