

ASSEMBLY BILL

No. 1563

Introduced by Assembly Member Rodriguez

January 4, 2016

An act to amend Section 13959 of the Government Code, relating to victim's compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1563, as introduced, Rodriguez. Victim's compensation: claims: appeal.

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board and requires the board to grant a hearing to an applicant who contests a staff recommendation to deny compensation in whole or part. Existing law requires decisions of the board to be made in writing.

This bill would require decisions of the board to be made within 6 months of the date the board received the application unless the board determines that there was insufficient information to make a decision. The bill additionally would require the board to notify the applicant in writing, within 6 months of the date the board received the application, if the board determines that there was insufficient information to make a decision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13959 of the Government Code is
2 amended to read:

3 13959. (a) The board shall grant a hearing to an applicant who
4 contests a staff recommendation to deny compensation in whole
5 or in part.

6 (b) The board shall notify the applicant not less than 10 days
7 prior to the date of the hearing. Notwithstanding Section 11123,
8 if the application that the board is considering involves either a
9 crime against a minor, a crime of sexual assault, or a crime of
10 domestic violence, the board may exclude from the hearing all
11 persons other than board members and members of its staff, the
12 applicant for benefits, a minor applicant’s parents or guardians,
13 the applicant’s representative, witnesses, and other persons of the
14 applicant’s choice to provide assistance to the applicant during the
15 hearing. However, the board shall not exclude persons from the
16 hearing if the applicant or applicant’s representative requests that
17 the hearing be open to the public.

18 (c) At the hearing, the person seeking compensation shall have
19 the burden of establishing, by a preponderance of the evidence,
20 the elements for eligibility under Section 13955.

21 (d) Except as otherwise provided by law, in making
22 determinations of eligibility for compensation and in deciding
23 upon the amount of compensation, the board shall apply the law
24 in effect as of the date an application was submitted.

25 (e) (1) The hearing shall be informal and need not be conducted
26 according to the technical rules relating to evidence and witnesses.
27 The board may rely on any relevant evidence if it is the sort of
28 evidence on which responsible persons are accustomed to rely in
29 the conduct of serious affairs, regardless of the existence of a
30 common law or statutory rule that might make improper the
31 admission of the evidence over objection in a civil action. The
32 board may rely on written reports prepared for the board, or other
33 information received, from public agencies responsible for
34 investigating the crime. If the applicant or the applicant’s
35 representative chooses not to appear at the hearing, the board may
36 act solely upon the application for compensation, the staff’s report,
37 and other evidence that appears in the record.

1 (2) The board shall allow a service animal to accompany and
2 support a witness while testifying at a hearing.

3 (f) Hearings shall be held in various locations with the frequency
4 necessary to provide for the speedy adjudication of the applications.
5 If the applicant's presence is required at the hearing, the board
6 shall schedule the applicant's hearing in as convenient a location
7 as possible or conduct the hearing by telephone.

8 (g) The board may delegate the hearing of applications to
9 hearing officers.

10 (h) The decisions of the board shall be in writing *within six*
11 *months of the date the board received the application unless the*
12 *board determines that there was insufficient information to make*
13 *a decision. If the board determines that there was insufficient*
14 *information to make a decision, the board shall notify the applicant*
15 *in writing within six months of the date the board received the*
16 *application.* Copies of the decisions shall be delivered to the
17 applicant or to his or her representative personally or sent to him
18 or her by mail.

19 (i) The board may order a reconsideration of all or part of a
20 decision on written request of the applicant. The board shall not
21 grant more than one request for reconsideration with respect to
22 any one decision on an application for compensation. The board
23 shall not consider any request for reconsideration filed with the
24 board more than 30 calendar days after the personal delivery or
25 60 calendar days after the mailing of the original decision.

26 (j) The board may order a reconsideration of all or part of a
27 decision on its own motion, at its discretion, at any time.

28 (k) Evidence submitted after the board has denied a request for
29 reconsideration shall not be considered unless the board chooses
30 to reconsider its decision on its own motion.