

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2160**

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**Introduced by Assembly Member Bonta**

February 17, 2016

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An act to amend Sections 13953, 13955, 13957, ~~and 13957.5~~ 13957.5, and 13957.9 of the Government Code, relating to crime victims, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2160, as amended, Bonta. Crime victims: compensation for pecuniary loss.

Existing law governs the procedure by which crime victims may obtain compensation from the Restitution Fund, a continuously appropriated fund. Existing law establishes eligibility for compensation when prescribed requirements are met and authorizes the California Victim Compensation and Government Claims Board to grant compensation from the fund for pecuniary loss when the board determines it will best aid the person seeking compensation, including expenses for psychiatric, psychological, or other mental health counseling-related services if the services were provided by specific individuals. Existing law establishes requirements and sets specific monetary caps for certain payments or reimbursements relating to relocation. Existing law governs the award of compensation by the board for loss of income and support.

This bill would expand eligibility for compensation to include a victim or derivative victim that sustained emotional injury as a direct result of specific crimes relating to obscene matter. The bill would authorize the grant of compensation for expenses for psychiatric, psychological, or

other mental health counseling-related services if the services were provided by a person who is licensed by the state to provide those services, or who is properly supervised by a person who is so licensed, subject to the board's approval and subject to limitations and restrictions as imposed by the board. The bill would revise eligibility for relocation reimbursement or payments and increase monetary caps. The bill would revise those loss of income and support provisions to additionally authorize the grant of compensation for specific costs incurred by victims.

*Existing law requires that an application for compensation based on any of specified crimes involving sex with a minor be filed any time prior to the victim's 28th birthday.*

*The bill would instead require that the application be filed anytime prior to the victim's 40th birthday for crimes committed by certain dates, as specified, and be filed within 10 years after commission for all other crimes.*

*Existing law requires a victim or derivative victim seeking compensation to have sustained one or more specified physical or emotional injuries, or pecuniary losses, as a direct result of the crime.*

*Existing law includes among those injuries emotional injury to a victim who is a minor incurred as a direct result of the nonconsensual distribution of pictures or video of sexual conduct in which the minor appears.*

*This bill would delete this provision and instead would include among the compensable injuries emotional injury that occurred due to a violation of provisions prohibiting intentional distribution of certain specified private images of another person, as specified.*

*Existing law, until January 1, 2017, authorizes the board to grant from the fund for pecuniary losses, as specified, reimbursement for outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim or derivative victim. Existing law specifically authorizes the board to reimburse a victim of statutory rape for outpatient mental health counseling expenses, up to a specified amount.*

*The bill would repeal the January 1, 2017, repeal date, thereby extending the board's authority to grant reimbursement for those outpatient mental health counseling-related expenses indefinitely. The bill would remove the board's specific authorization to reimburse a victim of statutory rape for outpatient mental health counseling expenses.*

By expanding the authorizations for use of moneys in the Restitution Fund, a continuously appropriated fund, this bill would make an appropriation. *Because an application for reimbursement is required to be submitted under penalty of perjury, this bill would expand the definition of a crime and thus impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 13953 of the Government Code is  
2 amended to read:

3 13953. (a) An application for compensation shall be filed  
4 within three years of the date of the crime, three years after the  
5 victim attains 18 years of age, or three years of the time the victim  
6 or derivative victim knew or in the exercise of ordinary diligence  
7 could have discovered that an injury or death had been sustained  
8 as a direct result of crime, whichever is later. An application based  
9 on any crime eligible for prosecution under Section 801.1 of the  
10 Penal Code may be filed any time ~~prior to the victim's 28th~~  
11 ~~birthday.~~ *within the period that prosecution is authorized by Section*  
12 *801.1 of the Penal Code.*

13 (b) The board may for good cause grant an extension of the time  
14 period in subdivision (a). In making this determination, the board  
15 shall consider all of the following:

16 (1) Whether the victim or derivative victim incurs emotional  
17 harm or a pecuniary loss while testifying during the prosecution  
18 or in the punishment of the person accused or convicted of the  
19 crime.

20 (2) Whether the victim or derivative victim incurs emotional  
21 harm or a pecuniary loss when the person convicted of the crime  
22 is scheduled for a parole hearing or released from incarceration.

23 (c) The period prescribed in this section for filing an application  
24 by or on behalf of a derivative victim shall be tolled when the

1 board accepts the application filed by a victim of the same  
2 qualifying crime.

3 ~~SECTION 1.~~

4 *SEC. 2.* Section 13955 of the Government Code is amended  
5 to read:

6 13955. Except as provided in Section 13956, a person shall be  
7 eligible for compensation when all of the following requirements  
8 are met:

9 (a) The person for whom compensation is being sought is any  
10 of the following:

11 (1) A victim.

12 (2) A derivative victim.

13 (3) (A) A person who is entitled to reimbursement for funeral,  
14 burial, or crime scene cleanup expenses pursuant to paragraph (8)  
15 or (9) of subdivision (a) of Section 13957.

16 (B) This paragraph applies without respect to any felon status  
17 of the victim.

18 (b) Either of the following conditions is met:

19 (1) The crime occurred in California. This paragraph shall apply  
20 only during those time periods during which the board determines  
21 that federal funds are available to the state for the compensation  
22 of victims of crime.

23 (2) Whether or not the crime occurred in California, the victim  
24 was any of the following:

25 (A) A resident of California.

26 (B) A member of the military stationed in California.

27 (C) A family member living with a member of the military  
28 stationed in California.

29 (c) If compensation is being sought for a derivative victim, the  
30 derivative victim is a resident of California, or any other state, who  
31 is any of the following:

32 (1) At the time of the crime was the parent, grandparent, sibling,  
33 spouse, child, or grandchild of the victim.

34 (2) At the time of the crime was living in the household of the  
35 victim.

36 (3) At the time of the crime was a person who had previously  
37 lived in the household of the victim for a period of not less than  
38 two years in a relationship substantially similar to a relationship  
39 listed in paragraph (1).

1 (4) Is another family member of the victim, including, but not  
2 limited to, the victim's fiancé or fiancée, and who witnessed the  
3 crime.

4 (5) Is the primary caretaker of a minor victim, but was not the  
5 primary caretaker at the time of the crime.

6 (d) The application is timely pursuant to Section 13953.

7 (e) (1) Except as provided in paragraph (2), the injury or death  
8 was a direct result of a crime.

9 (2) Notwithstanding paragraph (1), no act involving the  
10 operation of a motor vehicle, aircraft, or water vehicle that results  
11 in injury or death constitutes a crime for the purposes of this  
12 chapter, except when the injury or death from such an act was any  
13 of the following:

14 (A) Intentionally inflicted through the use of a motor vehicle,  
15 aircraft, or water vehicle.

16 (B) Caused by a driver who fails to stop at the scene of an  
17 accident in violation of Section 20001 of the Vehicle Code.

18 (C) Caused by a person who is under the influence of any  
19 alcoholic beverage or drug.

20 (D) Caused by a driver of a motor vehicle in the immediate act  
21 of fleeing the scene of a crime in which he or she knowingly and  
22 willingly participated.

23 (E) Caused by a person who commits vehicular manslaughter  
24 in violation of subdivision (b) of Section 191.5, subdivision (c) of  
25 Section 192, or Section 192.5 of the Penal Code.

26 (F) Caused by any party where a peace officer is operating a  
27 motor vehicle in an effort to apprehend a suspect, and the suspect  
28 is evading, fleeing, or otherwise attempting to elude the peace  
29 officer.

30 (f) As a direct result of the crime, the victim or derivative victim  
31 sustained one or more of the following:

32 (1) Physical injury. The board may presume a child who has  
33 been the witness of a crime of domestic violence has sustained  
34 physical injury. A child who resides in a home where a crime or  
35 crimes of domestic violence have occurred may be presumed by  
36 the board to have sustained physical injury, regardless of whether  
37 the child has witnessed the crime.

38 (2) Emotional injury and a threat of physical injury.

39 (3) Emotional injury, where the crime was a violation of any of  
40 the following provisions:

1 (A) Section 236.1, 261, 262, 271, 273a, 273d, 285, 286, 288,  
 2 288a, 288.5, 289, 311.1, 311.2, 311.3, 311.4, or ~~653.2 of 653.2 of~~  
 3 *or paragraph (4) of subdivision (j) of Section 647 of*, the Penal  
 4 Code.

5 (B) Section 270 of the Penal Code, where the emotional injury  
 6 was a result of conduct other than a failure to pay child support,  
 7 and criminal charges were filed.

8 (C) Section 261.5 of the Penal Code, and criminal charges were  
 9 filed.

10 (D) Section 278 or 278.5 of the Penal Code, and criminal  
 11 charges were filed. For purposes of this paragraph, the child, and  
 12 not the nonoffending parent or other caretaker, shall be deemed  
 13 the victim.

14 (4) Injury to, or the death of, a guide, signal, or service dog, as  
 15 defined in Section 54.1 of the Civil Code, as a result of a violation  
 16 of Section 600.2 or 600.5 of the Penal Code.

17 ~~(5) Emotional injury to a victim who is a minor incurred as a~~  
 18 ~~direct result of the noneconsensual distribution of pictures or video~~  
 19 ~~of sexual conduct in which the minor appears.~~

20 (g) The injury or death has resulted or may result in pecuniary  
 21 loss within the scope of compensation pursuant to Sections 13957  
 22 to 13957.7, inclusive.

23 ~~SEC. 2.~~

24 *SEC. 3.* Section 13957 of the Government Code is amended  
 25 to read:

26 13957. (a) The board may grant for pecuniary loss, when the  
 27 board determines it will best aid the person seeking compensation,  
 28 as follows:

29 (1) Subject to the limitations set forth in Section 13957.2,  
 30 reimburse the amount of medical or medical-related expenses  
 31 incurred by the victim for services that were provided by a licensed  
 32 medical provider, including, but not limited to, eyeglasses, hearing  
 33 aids, dentures, or any prosthetic device taken, lost, or destroyed  
 34 during the commission of the crime, or the use of which became  
 35 necessary as a direct result of the crime.

36 (2) Subject to the limitations set forth in Section 13957.2,  
 37 reimburse the amount of outpatient psychiatric, psychological, or  
 38 other mental health counseling-related expenses incurred by the  
 39 victim or derivative victim, including peer counseling services  
 40 provided by a rape crisis center as defined by Section 13837 of

1 the Penal Code, and including family psychiatric, psychological,  
2 or mental health counseling for the successful treatment of the  
3 victim provided to family members of the victim in the presence  
4 of the victim, whether or not the family member relationship  
5 existed at the time of the crime, that became necessary as a direct  
6 result of the crime, subject to the following conditions:

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

10 (i) A victim.

11 (ii) A derivative victim who is the surviving parent, grandparent,  
12 sibling, child, grandchild, spouse, fiancé, or fiancée of a victim of  
13 a crime that directly resulted in the death of the victim.

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

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

23 (i) A derivative victim not eligible for reimbursement pursuant  
24 to subparagraph (A), provided that mental health counseling of a  
25 derivative victim described in paragraph (5) of subdivision (c) of  
26 Section 13955, shall be reimbursed only if that counseling is  
27 necessary for the treatment of the victim.

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

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

1 (D) Expenses for psychiatric, psychological, or other mental  
2 health counseling-related services may be reimbursed only if the  
3 services were provided by a person who is licensed by the state to  
4 provide those services, or who is properly supervised by a person  
5 who is so licensed, subject to the board's approval and subject to  
6 limitations and restrictions as imposed by the board.

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

18 (4) Authorize a cash payment to or on behalf of the victim for  
19 job retraining or similar employment-oriented services.

20 (5) Reimburse the expense of installing or increasing residential  
21 security, not to exceed two thousand dollars (\$2,000). Installing  
22 or increasing residential security may include, but need not be  
23 limited to, both of the following:

24 (A) Home security device or system.

25 (B) Replacing or increasing the number of locks.

26 (6) Reimburse the expense of renovating or retrofitting a  
27 victim's residence, or the expense of modifying or purchasing a  
28 vehicle, to make the residence or the vehicle accessible or  
29 operational by a victim upon verification that the expense is  
30 medically necessary for a victim who is permanently disabled as  
31 a direct result of the crime, whether the disability is partial or total.

32 (7) (A) Authorize a cash payment or reimbursement not to  
33 exceed four thousand five hundred dollars (\$4,500) to a victim for  
34 expenses incurred in relocating, if the expenses are determined by  
35 law enforcement to be necessary for the personal safety of the  
36 victim, by a mental health treatment provider to be necessary for  
37 the emotional well-being of the victim, or by a doctor of medicine  
38 or doctor of osteopathic medicine to be a medical necessity for the  
39 victim.

1 (B) The cash payment or reimbursement made under this  
2 paragraph shall only be awarded to one claimant per crime giving  
3 rise to the relocation. The board may authorize more than one  
4 relocation per crime if necessary for the personal safety or  
5 emotional well-being of the claimant. However, the total cash  
6 payment or reimbursement for all relocations due to the same crime  
7 shall not exceed four thousand five hundred dollars (\$4,500). For  
8 purposes of this paragraph a claimant is the crime victim, or, if the  
9 victim is deceased, a person who resided with the deceased at the  
10 time of the crime.

11 (C) When a relocation payment or reimbursement is provided  
12 to a victim of sexual assault or domestic violence and the identity  
13 of the offender is known to the victim, the victim shall agree not  
14 to inform the offender of the location of the victim's new residence  
15 and not to allow the offender on the premises at any time, or shall  
16 agree to seek a restraining order against the offender. A victim  
17 may be found ineligible for relocation or may be required to repay  
18 the relocation payment or reimbursement to the board if he or she  
19 violates the terms set forth in this paragraph.

20 (D) Notwithstanding subparagraphs (A) and (B), the board may  
21 increase the cash payment or reimbursement for expenses incurred  
22 in relocating to an amount greater than four thousand five hundred  
23 dollars (\$4,500), if the board finds this amount is appropriate due  
24 to the unusual, dire, or exceptional circumstances of a particular  
25 claim.

26 (E) If a security deposit is required for relocation, the board  
27 shall be named as the recipient and receive the funds upon  
28 expiration of the victim's rental agreement.

29 (8) When a victim dies as a result of a crime, the board may  
30 reimburse any individual who voluntarily, and without anticipation  
31 of personal gain, pays or assumes the obligation to pay any of the  
32 following expenses:

33 (A) The medical expenses incurred as a direct result of the crime  
34 in an amount not to exceed the rates or limitations established by  
35 the board.

36 (B) The funeral and burial expenses incurred as a direct result  
37 of the crime, not to exceed seven thousand five hundred dollars  
38 (\$7,500). The board shall not create or comply with a regulation  
39 or policy that mandates a lower maximum potential amount of an

1 award pursuant to this subparagraph for less than seven thousand  
2 five hundred dollars (\$7,500).

3 (9) When the crime occurs in a residence or inside a vehicle,  
4 the board may reimburse any individual who voluntarily, and  
5 without anticipation of personal gain, pays or assumes the  
6 obligation to pay the reasonable costs to clean the scene of the  
7 crime in an amount not to exceed two thousand dollars (\$2,000).  
8 Services reimbursed pursuant to this subdivision shall be performed  
9 by persons registered with the State Department of Public Health  
10 as trauma scene waste practitioners in accordance with Chapter  
11 9.5 (commencing with Section 118321) of Part 14 of Division 104  
12 of the Health and Safety Code.

13 (10) When the crime is a violation of Section 600.2 or 600.5 of  
14 the Penal Code, the board may reimburse the expense of veterinary  
15 services, replacement costs, or other reasonable expenses, as  
16 ordered by the court pursuant to Section 600.2 or 600.5 of the  
17 Penal Code, in an amount not to exceed ten thousand dollars  
18 (\$10,000).

19 ~~(11) An award of compensation pursuant to paragraph (5) of~~  
20 ~~subdivision (f) of Section 13955 shall be limited to compensation~~  
21 ~~to provide mental health counseling and shall not limit the~~  
22 ~~eligibility of a victim for an award that he or she may be otherwise~~  
23 ~~entitled to receive under this part. A derivative victim shall not be~~  
24 ~~eligible for compensation under this provision.~~

25 (b) The total award to or on behalf of each victim or derivative  
26 victim may not exceed thirty-five thousand dollars (\$35,000),  
27 except that this award may be increased to an amount not exceeding  
28 seventy thousand dollars (\$70,000) if federal funds for that increase  
29 are available.

30 ~~SEC. 3.~~

31 *SEC. 4.* Section 13957.5 of the Government Code is amended  
32 to read:

33 13957.5. (a) In authorizing compensation for loss of income  
34 and support pursuant to paragraph (3) of subdivision (a) of Section  
35 13957, the board may take any of the following actions:

36 (1) Compensate the victim for loss of income directly resulting  
37 from the injury, except that loss of income may not be paid by the  
38 board for more than five years following the crime, unless the  
39 victim is disabled as defined in Section 416(i) of Title 42 of the  
40 United States Code, as a direct result of the injury.

1 (2) Compensate an adult derivative victim for loss of income,  
2 subject to all of the following:

3 (A) The derivative victim is the parent or legal guardian of a  
4 victim, who at the time of the crime was under the age of 18 years  
5 and is hospitalized as a direct result of the crime.

6 (B) The minor victim's treating physician verifies that the  
7 presence of the victim's parent or legal guardian at the hospital is  
8 necessary for the treatment of the victim.

9 (C) Reimbursement for loss of income under this paragraph  
10 may not exceed the total value of the income that would have been  
11 earned by the adult derivative victim during a 30-day period.

12 (3) Compensate an adult derivative victim for loss of income,  
13 subject to all of the following:

14 (A) The derivative victim is the parent or legal guardian of a  
15 victim who at the time of the crime was under the age of 18 years.

16 (B) The victim died as a direct result of the crime.

17 (C) The board shall pay for loss of income under this paragraph  
18 for not more than 30 calendar days from the date of the victim's  
19 death.

20 (4) Compensate a derivative victim who was legally dependent  
21 on the victim at the time of the crime for the loss of support  
22 incurred by that person as a direct result of the crime, subject to  
23 both of the following:

24 (A) Loss of support shall be paid by the board for income lost  
25 by an adult for a period up to, but not more than, five years  
26 following the date of the crime.

27 (B) Loss of support shall not be paid by the board on behalf of  
28 a minor for a period beyond the child's attaining the age of 18  
29 years.

30 (5) Compensate adult derivative victims of deceased victims  
31 for a maximum of five consecutive calendar days of income loss  
32 due to the grief suffered over a deceased victim.

33 ~~(6) An adult victim of domestic violence who suffers a loss of~~  
34 ~~financial support from the offender may receive up to five hundred~~  
35 ~~dollars (\$500) per week for a maximum of five weeks immediately~~  
36 ~~following the crime. The victim and offender shall have resided~~  
37 ~~together at the time of the qualifying crime and no longer reside~~  
38 ~~together, and the victim shall not have received compensation for~~  
39 ~~income loss during this five-week period.~~

40 (7)

1 (6) Compensate adult direct victims for income loss when it is  
2 necessary for them to miss work due to:

3 (A) Medical or mental health appointments for injuries directly  
4 related to the qualifying crime.

5 (B) Attending meetings with the District Attorney’s Office or  
6 other prosecutorial agency, or attending criminal court proceedings,  
7 directly related to the qualifying crime. The claimant’s attendance  
8 must be verified in writing by a court employee or an employee  
9 at the prosecutorial office.

10 (C) Incidental appointments directly related to the qualifying  
11 crime. Income loss for incidental crime related appointments shall  
12 not exceed one thousand dollars (\$1,000).

13 ~~(8)~~

14 (7) Compensate adult derivative victims for income loss when  
15 it is necessary for them to miss work due to taking a minor direct  
16 victim to an appointment described by subparagraphs (A), (B),  
17 and (C) of paragraph ~~(7)~~: (6).

18 ~~(9)~~

19 (8) Notwithstanding the limitations set forth by paragraph (1),  
20 income loss resulting from appointments described by  
21 subparagraphs (A), (B), and (C) of paragraph ~~(7)~~ (6) may be paid  
22 for any date following the qualifying crime.

23 ~~(10)~~

24 (9) Compensate child care costs for adult direct victims or adult  
25 derivative victims when they are necessary due to appointments  
26 as described by subparagraphs (A), (B), and (C) of paragraph ~~(7)~~:  
27 (6).

28 ~~(11)~~

29 (10) Compensate transportation costs for adult direct victims  
30 or adult derivative victims associated with appointments as  
31 described by subparagraphs (A), (B), and (C) of paragraph ~~(7)~~:  
32 (6). Mileage reimbursement shall be paid at the rate set forth by  
33 the Department of Human Resources for state employees.

34 (b) The total amount payable to all derivative victims pursuant  
35 to this section as the result of one crime shall not exceed seventy  
36 thousand dollars (\$70,000).

37 *SEC. 5. Section 13957.9 of the Government Code is amended*  
38 *to read:*

39 13957.9. (a) In addition to the authorization provided in  
40 Section 13957 and subject to the limitations set forth in Section

1 13957.2, the board may grant for pecuniary loss, when the board  
2 determines it will best aid the person seeking compensation,  
3 reimbursement of the amount of outpatient psychiatric,  
4 psychological, or other mental health counseling-related expenses  
5 incurred by the victim or derivative victim, including ~~peer~~  
6 ~~counseling services provided by violence peer counseling services~~  
7 provided by a service organization for victims of violent crime,  
8 and including family psychiatric, psychological, or mental health  
9 counseling for the successful treatment of the victim provided to  
10 family members of the victim in the presence of the victim, whether  
11 or not the family member relationship existed at the time of the  
12 crime, that became necessary as a direct result of the crime, subject  
13 to the following conditions:

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

17 (A) A victim.

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

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

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

30 (A) A derivative victim not eligible for reimbursement pursuant  
31 to paragraph (1), provided that mental health counseling of a  
32 derivative victim described in paragraph (5) of subdivision (c) of  
33 Section 13955, shall be reimbursed only if that counseling is  
34 necessary for the treatment of the victim.

35 ~~(B) A victim of a crime of unlawful sexual intercourse with a~~  
36 ~~minor committed in violation of subdivision (d) of Section 261.5~~  
37 ~~of the Penal Code. A derivative victim of a crime committed in~~  
38 ~~violation of subdivision (d) of Section 261.5 of the Penal Code~~  
39 ~~shall not be eligible for reimbursement of mental health counseling~~  
40 ~~expenses.~~

1     ~~(C)~~

2     (B) A minor who suffers emotional injury as a direct result of  
3     witnessing a violent crime and who is not eligible for  
4     reimbursement of the costs of outpatient mental health counseling  
5     under any other provision of this chapter. To be eligible for  
6     reimbursement under this clause, the minor must have been in  
7     close proximity to the victim when he or she witnessed the crime.

8     (3) The board may reimburse a victim or derivative victim for  
9     outpatient mental health counseling in excess of that authorized  
10    by paragraph (1) or (2) or for inpatient psychiatric, psychological,  
11    or other mental health counseling if the claim is based on dire or  
12    exceptional circumstances that require more extensive treatment,  
13    as approved by the board.

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

17    (A) A person who would have been authorized to provide those  
18    services pursuant to former Article 1 (commencing with Section  
19    13959) as it read on January 1, 2002.

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

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

28    (c) For the purposes of this section, the following definitions  
29    shall apply:

30    (1) "Service organization for victims of violent crime" means  
31    a nonprofit and charitable organization that meets both of the  
32    following criteria:

33    (A) Its primary mission is to provide services to victims of  
34    violent crime.

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

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

1 violence peer counseling services that fall under the scope of  
2 practice of the Licensed Marriage and Family Therapist Act  
3 (Chapter 13 (commencing with Section 4980) of Division 2 of the  
4 Business and Professions Code), the Educational Psychologist  
5 Practice Act (Chapter 13.5 (commencing with Section 4989.10)  
6 of Division 2 of the Business and Professions Code), the Clinical  
7 Social Worker Practice Act (Chapter 14 (commencing with Section  
8 4991) of Division 2 of the Business and Professions Code), and  
9 the Licensed Professional Clinical Counselor Act (Chapter 16  
10 (commencing with Section 4999.10) of Division 2 of the Business  
11 and Professions Code), which are not performed in an exempt  
12 setting as defined in Sections 4980.01, 4996.14, and 4999.22 of  
13 the Business and Professions Code, shall only be performed by a  
14 licensee or a registrant of the Board of Behavioral Sciences or  
15 other appropriately licensed professional, such as a licensed  
16 psychologist or board certified psychiatrist.

17 (3) “Violence peer counselor” means a provider of supportive  
18 and nonpsychotherapeutic peer counseling services who is  
19 employed by a service organization for victims of violent crime,  
20 whether financially compensated or not, and who meets all of the  
21 following requirements:

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

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

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

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

35 (ii) Peace-building and violence prevention strategies, including,  
36 but not limited to, conflict mediation and retaliation prevention  
37 related to gangs and gang-related violence.

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

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

3 (D) When providing violence peer counseling services, is  
 4 supervised by a marriage and family therapist licensed pursuant  
 5 to Chapter 13 (commencing with Section 4980) of Division 2 of  
 6 the Business and Professions Code, a licensed educational  
 7 psychologist licensed pursuant to Chapter 13.5 (commencing with  
 8 Section 4989.10) of Division 2 of the Business and Professions  
 9 Code, a clinical social worker licensed pursuant to Chapter 14  
 10 (commencing with Section 4991) of Division 2 of the Business  
 11 and Professions Code, or a licensed professional clinical counselor  
 12 licensed pursuant to Chapter 16 (commencing with Section  
 13 4999.10) of Division 2 of the Business and Professions Code. For  
 14 the purposes of this subparagraph, a licensed marriage and family  
 15 therapist, licensed educational psychologist, licensed clinical social  
 16 worker, or licensed professional clinical counselor shall be  
 17 employed by the same service organization as the violence peer  
 18 counselor.

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

22 *SEC. 6. No reimbursement is required by this act pursuant to*  
 23 *Section 6 of Article XIII B of the California Constitution because*  
 24 *the only costs that may be incurred by a local agency or school*  
 25 *district will be incurred because this act creates a new crime or*  
 26 *infraction, eliminates a crime or infraction, or changes the penalty*  
 27 *for a crime or infraction, within the meaning of Section 17556 of*  
 28 *the Government Code, or changes the definition of a crime within*  
 29 *the meaning of Section 6 of Article XIII B of the California*  
 30 *Constitution.*