

AMENDED IN SENATE JUNE 3, 1998
AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 2319

Introduced by Assembly Member Knox

February 19, 1998

An act to amend Section 13961 of the Government Code, relating to victims of crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2319, as amended, Knox. Victims of crime.

Existing law authorizes the State Board of Control to provide assistance to victims of crime and derivative victims of crime for the pecuniary losses they suffer as a direct result of criminal acts. Existing law requires that an application for assistance be filed within one year after the date of the crime or the victim attains the age of 18 years, whichever is later, and authorizes the board for good cause to grant an extension of this time period not to exceed 3 years.

This bill would *require an application for assistance based on a crime of child sexual abuse to be filed within one year after the date the victim attains 21 years of age, and would additionally* authorize the board to extend those time periods ~~after an indictment, information, or complaint is filed, a victim is called to testify, or a decision is made not to prosecute, and the application is filed within one year of that event, and the prosecutor recommends that the board find,~~

~~and the board finds, that the victim cooperated in the apprehension and prosecution of the person charged with the crime under prescribed circumstances.~~

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 13961 of the Government Code
2 is amended to read:

3 13961. (a) A victim or derivative victim may file an
4 application for assistance with the board.

5 (b) The board shall supply and make available an
6 application form for this purpose. The form shall be in one
7 part, in laymen’s terms, and shall be accompanied by
8 information including, but not limited to, all of the
9 following:

10 (1) The eligibility of applicants, the types of claims
11 covered, and the maximum amount payable for these
12 claims.

13 (2) Information explaining the procedure to be used
14 to evaluate an applicant’s claims.

15 (3) Other information pertinent to the applicant as
16 deemed necessary by the board.

17 (4) Information about the existence and location of
18 local victim centers.

19 (c) (1) The period prescribed for the filing of an
20 application for assistance shall be one year after the date
21 of the crime or one year after the victim attains ~~the age~~
22 ~~of 18 years~~ *18 years of age*, whichever is later.

23 ~~(2) The board may for good cause grant an extension~~
24 ~~of the time period in paragraph (1) not to exceed three~~
25 ~~years after the date of the crime or three years after the~~
26 ~~victim attains the age of 18 years.~~

27 ~~(3)~~
28 (2) *Notwithstanding paragraph (1), the period*
29 *prescribed for filing an application for assistance based on*
30 *a crime of child sexual abuse shall be one year after the*
31 *victim attains 21 years of age.*



1 (3) *The board may for good cause grant an extension*
2 *of the time period in paragraph (1) not to exceed three*
3 *years after the victim attains 18 years of age, or the time*
4 *period in paragraph (2) not to exceed three years after*
5 *the victim attains 21 years of age.*

6 (4) The board may grant an extension of the time
7 period in paragraph (1) ~~or (2) if either (A), (B), or (C)~~
8 ~~is true:~~

9 ~~(A), (2), or (3) if any of the following is true:~~

10 (A) *The application is filed for a minor derivative*
11 *victim where the direct victim is permanently disabled or*
12 *dies as a result of the crime.*

13 (B) *The application is filed by a direct victim who has*
14 *not attained the age of 25 years at the time of filing and*
15 *who was a minor at the time of the crime, reported the*
16 *crime to law enforcement within seven days of the crime,*
17 *and at the time of the report cooperated with law*
18 *enforcement in the apprehension and conviction of the*
19 *person responsible for the crime.*

20 (C) *The application is filed by the derivative victim*
21 *and the direct victim dies as a result of a crime, but that*
22 *fact is not discovered until after the expiration of the time*
23 *limits otherwise imposed by this section.*

24 (D) The application is filed within one year from the
25 date of the filing of an indictment, information, or
26 complaint alleging the facts that gave rise to the
27 application; and the prosecuting attorney recommends
28 that the board find that the applicant cooperated with law
29 enforcement and the prosecuting attorney in the
30 apprehension and prosecution of the person charged with
31 the crime, and the board so finds.

32 ~~(B)~~

33 (E) A victim is called to testify in a criminal
34 proceeding adjudicating the facts that gave rise to the
35 application ~~after the expiration of the time period;~~ the
36 application is filed within one year of the completion of
37 the victim's testimony; and the prosecuting attorney
38 recommends that the board find that the applicant
39 cooperated with law enforcement and the prosecuting



1 attorney in the apprehension and prosecution of the
2 person charged with the crime, and the board so finds.

3 ~~(C)~~

4 (F) The application is filed within one year of the
5 time that a formal written decision is made by the
6 prosecuting attorney not to prosecute, and the
7 prosecuting attorney recommends that the board find
8 that the applicant cooperated with law enforcement and
9 the prosecuting attorney in the investigation and
10 consideration of the crime for prosecution, and the board
11 so finds.

12 (d) *The board shall also consider any application filed*
13 *on or after January 1, 1999, or pending as of that date that,*
14 *if the application had been filed on or after October 4,*
15 *1993, and would have met the criteria specified in*
16 *paragraph (2) or (3) or any subparagraph of paragraph*
17 *(4) of subdivision (c), whether the application was*
18 *previously filed and denied or was not previously filed.*

19 (e) The application for assistance shall be verified
20 under penalty of perjury by the victim or derivative
21 victim. If the victim or derivative victim is a minor or is
22 incompetent, the application shall be verified under
23 penalty of perjury or on information and belief by the
24 parent with legal custody or the legal guardian of the
25 victim or derivative victim for whom the application is
26 made.

27 ~~(e)~~

28 (f) The application shall contain all of the following:

29 (1) A description of the date, nature, and
30 circumstances of the crime or public offense.

31 (2) A complete financial statement, including, but not
32 limited to, the cost of medical care or burial expense and
33 the loss of wages that the victim or the loss of support that
34 the derivative victim has incurred or will incur and the
35 extent to which the applicant has been or will be
36 indemnified for these expenses from any source.

37 (3) When appropriate, a statement indicating the
38 extent of any disability resulting from the injury incurred.



- 1 (4) An authorization permitting the board or a local
- 2 victim center, or both, to verify the contents of the
- 3 application.
- 4 (5) Any other information as the board may require.

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