

AMENDED IN ASSEMBLY AUGUST 8, 2000

AMENDED IN SENATE APRIL 25, 2000

AMENDED IN SENATE APRIL 3, 2000

**SENATE BILL**

**No. 1943**

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**Introduced by Senator Ortiz**

February 24, 2000

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An act to amend Section 16373 of the Government Code, and to amend Sections 730.6, 1714, 1752.81, 1764.2, and 1767 of the Welfare and Institutions Code, relating to youthful offenders, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1943, as amended, Ortiz. Youthful offenders.

(1) Existing law provides for the forfeiture of unclaimed money of \$5 or less in a prison inmate's trust account after he or she has been paroled to the Inmate Welfare Fund.

This bill would provide for the forfeiture of unclaimed money of \$5 or less in a youthful offender's trust account after discharge, escape, or absconding from supervision of the Department of the Youth Authority to the ~~Restitution Fund~~, ~~a continuously appropriated fund, for expenditure for a specified program~~ *Benefit Fund to be used for the benefit of the resident wards.*

(2) Existing law requires certain restitution orders, issued as a result of a minor's conduct, to be of a dollar amount sufficient to reimburse the victim or victims, as specified.

This bill would require those restitution orders to identify each victim, unless the court for good cause finds the order

should not identify a victim or victims and the amount of each victim's loss; or, if the amount of restitution is unknown at the time of disposition, would require the court order to identify the victims, unless the court for good cause finds the order should not identify a victim or victims, and state that the amount of restitution is to be determined. The bill would also require restitution orders to identify co-offenders who are jointly and severally liable for restitution.

(3) Existing law expresses the intent of the Legislature that the Youthful Offender Parole Board and the Director of the Youth Authority meet at least 4 times a year, as specified.

This bill would specify, instead, that they meet at least twice a year.

(4) Existing law requires the Director of the Youth Authority to deduct the balance owing on specified restitution orders from a ward's trust account up to a maximum of 50% of the total held in trust, unless prohibited by federal law.

This bill would revise the restitution orders specified to which this provision applies. The bill would also require trust funds of a ward who cannot be located to be used to satisfy pending restitution orders of fines, as specified; and would require the remainder, if any, to be transferred to the ~~Restitution Fund, a continuously appropriated fund, for expenditure for a specified program~~ *Benefit Fund to be used for the benefit of the resident wards.*

(5) Existing law authorizes the release to a victim or next of kin of specified information regarding a youthful offender committed to the Department of the Youth Authority for certain offenses. This bill would expand this provision to apply to further, specified offenses.

(6) Existing law authorizes a victim or his or her representative, or the victim's next of kin or his or her representative to attend a youthful offender parole hearing.

This bill would, instead, authorize the victim and one support person to attend. In the event that the victim is unable to attend the proceeding, 2 support persons designated by the victim may attend to provide information about the impact of the crime on the victim, or if the victim is no longer living, 2 members of the victim's immediate family may attend. The bill would also specify that support



persons are restricted to providing information about the impact of the crime on the victim and providing physical and emotional support to the victim or the victim’s family. The bill would also authorize the Department of the Youth Authority to exclude a victim or his or her support person or persons from a hearing, and would authorize the board to allow the presence of other support persons under particular circumstances surrounding the proceeding.

(7) The bill would amend a provision of law added by an initiative measure which by its terms requires a  $\frac{2}{3}$  vote of each house for amendment by the Legislature.

Vote:  $\frac{2}{3}$ . Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 16373 of the Government Code  
2 is amended to read:

3 16373. (a) Money that has remained unclaimed in  
4 the hands of any state agency, or for which the claimant  
5 cannot be found, may be deposited in the Special Deposit  
6 Fund in trust and may be withdrawn in the same manner  
7 as other trust money. Unclaimed money of five dollars  
8 (\$5) or less in an inmate’s trust account after he or she has  
9 been paroled shall be forfeited, and deposited in the  
10 Inmate Welfare Fund of the Department of Corrections  
11 in the State Treasury.

12 (b) When the Director of the Youth Authority has in  
13 his or her possession trust account money of an offender  
14 committed to or housed in the Department of the Youth  
15 Authority, any unclaimed offender trust account money  
16 of five dollars (\$5) or less shall be forfeited on the date of  
17 discharge, or one year from the date of escape or  
18 absconding from the Department of the Youth Authority  
19 supervision, and shall be deposited in the ~~Restitution~~  
20 ~~Fund for expenditure for the Victims of Crime Program.~~  
21 *Benefit Fund to be expended pursuant to Section 1752.5*  
22 *of the Welfare and Institutions Code.*

23 SEC. 2. Section 730.6 of the Welfare and Institutions  
24 Code is amended to read:



1 730.6. (a) (1) It is the intent of the Legislature that  
2 a victim of conduct for which a minor is found to be a  
3 person described in Section 602 who incurs any economic  
4 loss as a result of the minor's conduct shall receive  
5 restitution directly from that minor.

6 (2) Upon a minor being found to be a person described  
7 in Section 602, the court shall consider levying a fine in  
8 accordance with Section 730.5. In addition, the court shall  
9 order the minor to pay, in addition to any other penalty  
10 provided or imposed under the law, both of the following:

11 (A) A restitution fine in accordance with subdivision  
12 (b).

13 (B) Restitution to the victim or victims, if any, in  
14 accordance with subdivision (h).

15 (b) In every case where a minor is found to be a person  
16 described in Section 602, the court shall impose a separate  
17 and additional restitution fine. The restitution fine shall  
18 be set at the discretion of the court and commensurate  
19 with the seriousness of the offense as follows:

20 (1) If the minor is found to be a person described in  
21 Section 602 by reason of the commission of one or more  
22 felony offenses, the restitution fine shall not be less than  
23 one hundred dollars (\$100) and not more than one  
24 thousand dollars (\$1,000). A separate hearing for the fine  
25 shall not be required.

26 (2) If the minor is found to be a person described in  
27 Section 602 by reason of the commission of one or more  
28 misdemeanor offenses, the restitution fine shall not  
29 exceed one hundred dollars (\$100). A separate hearing  
30 for the fine shall not be required.

31 (c) The restitution fine shall be in addition to any other  
32 disposition or fine imposed and shall be imposed  
33 regardless of the minor's inability to pay. This fine shall be  
34 deposited in the Restitution Fund, the proceeds of which  
35 shall be distributed pursuant to Section 13967 of the  
36 Government Code.

37 (d) (1) In setting the amount of the fine pursuant to  
38 subparagraph (A) of paragraph (2) of subdivision (a), the  
39 court shall consider any relevant factors including, but  
40 not limited to, the minor's ability to pay, the seriousness



1 and gravity of the offense and the circumstances of its  
2 commission, any economic gain derived by the minor as  
3 a result of the offense, and the extent to which others  
4 suffered losses as a result of the offense. The losses may  
5 include pecuniary losses to the victim or his or her  
6 dependents as well as intangible losses such as  
7 psychological harm caused by the offense.

8 (2) The consideration of a minor's ability to pay may  
9 include his or her future earning capacity. A minor shall  
10 bear the burden of demonstrating a lack of his or her  
11 ability to pay.

12 (e) Express findings of the court as to the factors  
13 bearing on the amount of the fine shall not be required.

14 (f) Except as provided in subdivision (g), under no  
15 circumstances shall the court fail to impose the separate  
16 and additional restitution fine required by subparagraph  
17 (A) of paragraph (2) of subdivision (a). This fine shall not  
18 be subject to penalty assessments pursuant to Section  
19 1464 of the Penal Code.

20 (g) In a case in which the minor is a person described  
21 in Section 602 by reason of having committed a felony  
22 offense, if the court finds that there are compelling and  
23 extraordinary reasons, the court may waive imposition of  
24 the restitution fine required by subparagraph (A) of  
25 paragraph (2) of subdivision (a). When a waiver is  
26 granted, the court shall state on the record all reasons  
27 supporting the waiver.

28 (h) Restitution ordered pursuant to subparagraph (B)  
29 of paragraph (2) of subdivision (a) shall be imposed in the  
30 amount of the losses, as determined. The court shall order  
31 full restitution unless it finds compelling and  
32 extraordinary reasons for not doing so, and states them on  
33 the record. A minor's inability to pay shall not be  
34 considered a compelling or extraordinary reason not to  
35 impose a restitution order, nor shall inability to pay be a  
36 consideration in determining the amount of the  
37 restitution order. A restitution order pursuant to  
38 subparagraph (B) of paragraph (2) of subdivision (a), to  
39 the extent possible, shall identify each victim, unless the  
40 court for good cause finds that the order should not



1 identify a victim or victims, and the amount of each  
2 victim's loss to which it pertains, and shall be of a dollar  
3 amount sufficient to fully reimburse the victim or victims  
4 for all determined economic losses incurred as the result  
5 of the minor's conduct for which the minor was found to  
6 be a person described in Section 602, including all of the  
7 following:

8 (1) Full or partial payment for the value of stolen or  
9 damaged property. The value of stolen or damaged  
10 property shall be the replacement cost of like property,  
11 or the actual cost of repairing the property when repair  
12 is possible.

13 (2) Medical expenses.

14 (3) Wages or profits lost due to injury incurred by the  
15 victim, and if the victim is a minor, wages or profits lost  
16 by the minor's parent, parents, guardian, or guardians,  
17 while caring for the injured minor.

18 (4) Wages or profits lost by the victim, and if the victim  
19 is a minor, wages or profits lost by the minor's parent,  
20 parents, guardian, or guardians, due to time spent as a  
21 witness or in assisting the police or prosecution.

22 A minor shall have the right to a hearing before a judge  
23 to dispute the determination of the amount of restitution.  
24 The court may modify the amount on its own motion or  
25 on the motion of the district attorney, the victim or  
26 victims, or the minor. If a motion is made for modification  
27 of a restitution order, the victim shall be notified of that  
28 motion at least 10 days prior to the hearing on the motion.  
29 When the amount of victim restitution is not known at the  
30 time of disposition, the court order shall identify the  
31 victim or victims, unless the court finds for good cause  
32 that the order should not identify a victim or victims, and  
33 state that the amount of restitution for each victim is to  
34 be determined. When feasible, the court shall also  
35 identify on the court order, any cooffenders who are  
36 jointly and severally liable for victim restitution.

37 (i) A restitution order imposed pursuant to  
38 subparagraph (B) of paragraph (2) of subdivision (a)  
39 shall identify the losses to which it pertains, and shall be  
40 enforceable as a civil judgment pursuant to subdivision



1 (r). The making of a restitution order pursuant to this  
2 subdivision shall not affect the right of a victim to  
3 recovery from the Restitution Fund in the manner  
4 provided elsewhere, except to the extent that restitution  
5 is actually collected pursuant to the order. Restitution  
6 collected pursuant to this subdivision shall be credited to  
7 any other judgments for the same losses obtained against  
8 the minor or the minor's parent or guardian arising out  
9 of the offense for which the minor was found to be a  
10 person described in Section 602. Restitution payments  
11 made pursuant to this subdivision shall be made to the  
12 Restitution Fund to the extent that the victim, as defined  
13 in subdivision (j), has received assistance pursuant to  
14 Article 1 (commencing with Section 13959) of Chapter 5  
15 of Part 4 of Division 3 of Title 2 of the Government Code.

16 (j) For purposes of this section, "victim" shall include  
17 the immediate surviving family of the actual victim.

18 (k) Nothing in this section shall prevent a court from  
19 ordering restitution to any corporation, business trust,  
20 estate, trust, partnership, association, joint venture,  
21 government, governmental subdivision, agency, or  
22 instrumentality, or any other legal or commercial entity  
23 when that entity is a direct victim of an offense.

24 (l) Upon a minor being found to be a person described  
25 in Section 602, the court shall require as a condition of  
26 probation the payment of restitution fines and orders  
27 imposed under this section. Any portion of a restitution  
28 order that remains unsatisfied after a minor is no longer  
29 on probation shall continue to be enforceable by a victim  
30 pursuant to subdivision (r) until the obligation is satisfied  
31 in full.

32 (m) Probation shall not be revoked for failure of a  
33 person to make restitution pursuant to this section as a  
34 condition of probation unless the court determines that  
35 the person has willfully failed to pay or failed to make  
36 sufficient bona fide efforts to legally acquire the resources  
37 to pay.

38 (n) If the court finds and states on the record  
39 compelling and extraordinary reasons why restitution  
40 should not be required as provided in paragraph (2) of



1 subdivision (a), the court shall order, as a condition of  
2 probation, that the minor perform specified community  
3 service.

4 (o) The court may avoid ordering community service  
5 as a condition of probation only if it finds and states on the  
6 record compelling and extraordinary reasons not to order  
7 community service in addition to the finding that  
8 restitution pursuant to paragraph (2) of subdivision (a)  
9 should not be required.

10 (p) When a minor is committed to the Department of  
11 the Youth Authority, the court shall order restitution to  
12 be paid to the victim or victims, if any. Payment of  
13 restitution to the victim or victims pursuant to this  
14 subdivision shall take priority in time over payment of  
15 any other restitution fine imposed pursuant to this  
16 section.

17 (q) At its discretion, the board of supervisors of any  
18 county may impose a fee to cover the actual  
19 administrative cost of collecting the restitution fine, not  
20 to exceed 10 percent of the amount ordered to be paid,  
21 to be added to the restitution fine and included in the  
22 order of the court, the proceeds of which shall be  
23 deposited in the general fund of the county.

24 (r) If the judgment is for a restitution fine ordered  
25 pursuant to subparagraph (A) of paragraph (2) of  
26 subdivision (a), or a restitution order imposed pursuant  
27 to subparagraph (B) of paragraph (2) of subdivision (a),  
28 the judgment may be enforced in the manner provided  
29 in Section 1214 of the Penal Code.

30 SEC. 3. Section 1714 of the Welfare and Institutions  
31 Code is amended to read:

32 1714. (a) It is the intention of the Legislature that the  
33 Youthful Offender Parole Board and the Director of the  
34 Youth Authority shall cooperate with each other in the  
35 establishment of the classification, transfer, discipline,  
36 training, and treatment policies of the Department of the  
37 Youth Authority, to the end that the objectives of the state  
38 youth correctional system can best be attained. The  
39 director and the board shall, not less than two times each  
40 calendar year, meet for the purpose of discussion of



1 classification, transfer, discipline, training, and treatment  
2 policies and problems, and for the purpose of discussion  
3 of policies relating to the functions and duties of the  
4 board, and it is the intent of the Legislature that  
5 whenever possible there shall be agreement on these  
6 subjects. However, in order to maintain responsibility for  
7 the secure and orderly administration of the Youth  
8 Authority, the Director of the Youth Authority shall have  
9 the final right to determine the policies on classification,  
10 transfer, discipline, training and treatment, and the board  
11 shall have the final right to determine the policies on its  
12 duties and functions.

13 (b) The Director of the Youth Authority may transfer  
14 persons confined in one institution or facility of the  
15 Department of the Youth Authority to another. The  
16 Youthful Offender Parole Board may request the director  
17 to transfer a person who is under the jurisdiction of the  
18 department pursuant to Section 1731.5 if, after review of  
19 the case history in the course of routine procedures, such  
20 transfer is deemed advisable for the further diagnosis and  
21 treatment of the ward. The director shall as soon as  
22 practicable comply with such request, provided that, if  
23 facilities are not available he or she shall report that fact  
24 to the board and shall make the transfer as soon as  
25 facilities become available; provided further, that if in the  
26 opinion of the director such transfer would endanger  
27 security he or she may report that fact to the board and  
28 refuse to make such transfer.

29 SEC. 4. Section 1752.81 of the Welfare and Institutions  
30 Code is amended to read:

31 1752.81. (a) Whenever the Director of the Youth  
32 Authority has in his or her possession in trust funds of a  
33 ward committed to the authority, the funds may be  
34 released for any purpose when authorized by the ward.  
35 When the sum held in trust for any ward by the Director  
36 of the Youth Authority exceeds five hundred dollars  
37 (\$500), the amount in excess of five hundred dollars  
38 (\$500) may be expended by the director pursuant to a  
39 lawful order of a court directing payment of the funds,  
40 without the authorization of the ward thereto.



1 (b) Whenever an adult or minor is committed to or  
2 housed in a Youth Authority facility and he or she owes  
3 a restitution fine imposed pursuant to Section 13967 of the  
4 Government Code, as operative on or before September  
5 28, 1994, or Section 1202.4 or 1203.04 of the Penal Code, as  
6 operative on or before August 2, 1995, or pursuant to  
7 Section 729.6, 730.6 or 731.1, as operative on or before  
8 August 2, 1995, the Director of the Youth Authority shall  
9 deduct the balance owing on the fine amount from the  
10 trust account deposits of a ward, up to a maximum of 50  
11 percent of the total amount held in trust, unless  
12 prohibited by federal law. The director shall transfer that  
13 amount to the State Board of Control for deposit in the  
14 Restitution Fund in the State Treasury. Any amount so  
15 deducted shall be credited against the amount owing on  
16 the fine. The sentencing court shall be provided a record  
17 of the payments.

18 (c) Whenever an adult or minor is committed to, or  
19 housed in, a Youth Authority facility and he or she owes  
20 restitution to a victim imposed pursuant to Section 13967  
21 of the Government Code, as operative on or before  
22 September 28, 1994, or Section 1202.4 or 1203.04 of the  
23 Penal Code, as operative on or before August 2, 1995, or  
24 pursuant to Section 729.6, 730.6, or 731.1, as operative on  
25 or before August 2, 1995, the Director of the Youth  
26 Authority shall deduct the balance owing on the order  
27 amount from the trust account deposits of a ward, up to  
28 a maximum of 50 percent of the total amount held in trust,  
29 unless prohibited by federal law. The director shall  
30 transfer that amount directly to the victim. If the  
31 restitution is owed to a person who has filed an application  
32 with the Victims of Crime Program, the director shall  
33 transfer that amount to the State Board of Control for  
34 direct payment to the victim or payment shall be made  
35 to the Restitution Fund to the extent that the victim has  
36 received assistance pursuant to that program. The  
37 sentencing court shall be provided a record of the  
38 payments made to victims and of the payments deposited  
39 to the Restitution Fund pursuant to this subdivision.



1 (d) Any compensatory or punitive damages awarded  
2 by trial or settlement to a minor or adult committed to the  
3 Department of the Youth Authority in connection with a  
4 civil action brought against any federal, state, or local jail  
5 or correctional facility, or any official or agent thereof,  
6 shall be paid directly, after payment of reasonable  
7 attorney's fees and litigation costs approved by the court,  
8 to satisfy any outstanding restitution orders or restitution  
9 fines against the minor or adult. The balance of any award  
10 shall be forwarded to the minor or adult committed to the  
11 Department of the Youth Authority after full payment of  
12 all outstanding restitution orders and restitution fines  
13 subject to subdivision (e). The Department of the Youth  
14 Authority shall make all reasonable efforts to notify the  
15 victims of the crime for which the minor or adult was  
16 committed concerning the pending payment of any  
17 compensatory or punitive damages. This subdivision shall  
18 apply to cases settled or awarded on or after April 26, 1996,  
19 pursuant to Sections 807 and 808 of the federal Prison  
20 Litigation Reform Act of 1995 (Title 8, P.L. 104-134).

21 (e) The director shall deduct and retain from the trust  
22 account deposits of a ward, unless prohibited by federal  
23 law, an administrative fee that totals 10 percent of any  
24 amount transferred pursuant to subdivision (b) and (c),  
25 or 5 percent of any amount transferred pursuant to  
26 subdivision (d). The director shall deposit the  
27 administrative fee moneys in a special deposit account for  
28 reimbursing administrative and support costs of the  
29 restitution and victims program of the Department of the  
30 Youth Authority. The director, at his or her discretion,  
31 may retain any excess funds in the special deposit account  
32 for future reimbursement of the department's  
33 administrative and support costs for the restitution and  
34 victims program or may transfer all or part of the excess  
35 funds for deposit in the Restitution Fund.

36 (f) When a ward has both a restitution fine and a  
37 restitution order from the sentencing court, the  
38 Department of the Youth Authority shall collect the  
39 restitution order first pursuant to subdivision (c).



1 (g) Notwithstanding subdivisions (a), (b), and (c),  
2 whenever the Director of the Youth Authority holds in  
3 trust a ward's funds in excess of five dollars (\$5) and the  
4 ward cannot be located, after one year from the date of  
5 discharge, absconding from the Department of the Youth  
6 Authority supervision, or escape, the Department of the  
7 Youth Authority shall apply the trust account balance to  
8 any unsatisfied victim restitution order or fine owed by  
9 that ward. If the victim restitution order or fine has been  
10 satisfied, the remainder of the ward's trust account  
11 balance, if any, shall be transferred to the ~~Restitution~~  
12 ~~Fund for expenditure for the Victims of Crime Program.~~  
13 *Benefit Fund to be expended pursuant to Section 1752.5.*  
14 If the victim to whom a particular ward owes restitution  
15 cannot be located, the money shall be transferred to the  
16 ~~Restitution Fund for expenditure for the Victims of~~  
17 ~~Crime Program.~~ *Benefit Fund to be expended pursuant*  
18 *to Section 1752.5.*

19 SEC. 5. Section 1764.2 of the Welfare and Institutions  
20 Code is amended to read:

21 1764.2. (a) Notwithstanding any other provision of  
22 law, the director or the director's designee shall release  
23 the information described in Section 1764 regarding a  
24 person committed to the Youth Authority for an offense  
25 described in subdivision (a) of Section 676, or an offense  
26 described in Section 273.5, 288, or 646.9 of the Penal Code,  
27 to the victim of the offense, the next of kin of the victim,  
28 or his or her representative as designated by the victim  
29 or next of kin pursuant to Section 1767, upon request,  
30 unless the court has ordered confidentiality under  
31 subdivision (c) of Section 676. The victim or the next of  
32 kin shall be identified by the court or the probation  
33 department in the offender's commitment documents  
34 before the director is required to disclose this  
35 information.

36 (b) The director or the director's designee shall, with  
37 respect to persons committed to the Youth Authority,  
38 including persons committed to the Department of  
39 Corrections who have been transferred to the Youth  
40 Authority, for an offense described in subdivision (a) of



1 Section 676, or an offense described in Section 273.5, 288,  
2 or 646.9 of the Penal Code, inform each victim of that  
3 offense, the victim's next of kin, or his or her  
4 representative as designated by the victim or next of kin  
5 pursuant to Section 1767, of his or her right to request and  
6 receive information pursuant to subdivision (a) and  
7 Section 1767.

8 SEC. 6. Section 1767 of the Welfare and Institutions  
9 Code is amended to read:

10 1767. (a) Upon request, written notice of any hearing  
11 to consider the release on parole of any person under the  
12 control of the Youth Authority for the commission of a  
13 crime or committed to the authority as a person described  
14 in Section 602 shall be sent by the Department of the  
15 Youth Authority at least 30 days before the hearing to any  
16 victim of a crime committed by the person, or to the next  
17 of kin of the victim if the victim has died or is a minor. The  
18 requesting party shall keep the board apprised of his or  
19 her current mailing address.

20 (b) Any one of the following persons may appear,  
21 personally or by counsel, at the hearing:

22 (1) The victim of the offense and one support person  
23 of his or her choosing.

24 (2) In the event that the victim is unable to attend the  
25 proceeding, two support persons designated by the  
26 victim may attend to provide information about the  
27 impact of the crime on the victim.

28 (3) If the victim is no longer living, two members of  
29 the victim's immediate family may attend.

30 (4) If none of those persons appear personally at the  
31 hearing, any one of them may submit a statement  
32 recorded on videotape for the board's consideration at  
33 the hearing. Those persons shall also have the right to  
34 submit a written statement to the board at least 10 days  
35 prior to the scheduled hearing for the board's  
36 consideration at the hearing.

37 (c) The board, in deciding whether to release the  
38 person on parole, shall consider the statements of victims,  
39 next of kin, or statements made on their behalf pursuant  
40 to this section and shall include in its report a statement



1 of whether the person would pose a threat to public safety  
2 if released on parole. The provisions of this section shall  
3 not be amended by the Legislature except by statute  
4 passed in each house by rollcall vote entered in the  
5 journal, two-thirds of the membership concurring, or by  
6 a statute that becomes effective only when approved by  
7 the electors.

8 (d) A representative designated by the victim or the  
9 victim's next of kin shall be either that person's legal  
10 counsel or a family or household member of the victim,  
11 for the purposes of this section.

12 (e) Support persons may only provide information  
13 about the impact of the crime on the victim and provide  
14 physical and emotional support to the victim or the  
15 victim's family.

16 (f) Nothing in this section shall prevent the board from  
17 excluding a victim or his or her support person or persons  
18 from a hearing. The board may allow the presence of  
19 other support persons under particular circumstances  
20 surrounding the proceeding.

