

ASSEMBLY BILL

No. 1799

Introduced by Assembly Member Baugh

January 27, 2000

An act to amend Section 4904 of the Penal Code, relating to indemnification.

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, as introduced, Baugh. Indemnification: erroneously convicted persons.

Existing law requires the State Board of Control to report to the Legislature the facts of a case involving a claimant who has sustained pecuniary injury as a result of having been convicted of a crime for which the claimant was found to be innocent if, in addition, the claimant did not contribute to his or her arrest or conviction. The board is also required to include in its report to the Legislature, its recommendation that an appropriation be made to indemnify the claimant for the pecuniary injury, but the amount of the appropriation is limited to \$10,000.

This bill would remove the \$10,000 limitation on the appropriation and would instead limit the appropriation to the sum of \$100 per day of incarceration served subsequent to the claimant's conviction. The bill would also provide that the appropriation not be treated as gross income to the recipient under California law.

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 4904 of the Penal Code is
 2 amended to read:
 3 4904. If the evidence shows that the crime with which
 4 the claimant was charged was either not committed at all,
 5 or, if committed, was not committed by the claimant, and
 6 that the claimant did not, by any act or omission either
 7 intentionally or negligently, contribute to the bringing
 8 about of his *or her* arrest or conviction, and that the
 9 claimant has sustained pecuniary injury through his *or*
 10 *her* erroneous conviction and imprisonment, the *State*
 11 Board of Control shall report the facts of the case and its
 12 conclusions to the next Legislature of this state, with a
 13 recommendation that an appropriation be made by the
 14 Legislature for the purpose of indemnifying the claimant
 15 for ~~such~~ *the* pecuniary injury; but the amount of the
 16 appropriation so recommended shall not exceed in any
 17 case, ~~the sum of ten thousand dollars (\$10,000)~~ *a sum*
 18 *equivalent to one hundred dollars (\$100) per day of*
 19 *incarceration served subsequent to the claimant's*
 20 *conviction and that appropriation shall not be treated as*
 21 *gross income to the recipient under the provisions of the*
 22 *Revenue and Taxation Code.*

23 _____
 24 CORRECTIONS
 25 **Text — Page 2.**
 26 _____
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