

AMENDED IN SENATE AUGUST 7, 2000  
AMENDED IN ASSEMBLY MARCH 6, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1799**

**Introduced by Assembly Member Baugh**

January 27, 2000

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An act to amend Section 4904 of the Penal Code, *and to add Section 17157 to the Revenue and Taxation Code*, relating to indemnification.

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, as amended, 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 recommended is limited to \$10,000.

This bill would remove the \$10,000 limitation on the appropriation recommended and would instead make the recommended appropriation equivalent 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 the pecuniary injury; but the amount of the  
16 appropriation so recommended shall be a sum equivalent  
17 to one hundred dollars (\$100) per day of incarceration  
18 served subsequent to the claimant's conviction and that  
19 appropriation shall not be treated as gross income to the  
20 recipient under the provisions of the Revenue and  
21 Taxation Code.

22 SEC. 2. Section 17157 is added to the Revenue and  
23 Taxation Code, to read:

24 17157. Gross income shall not include any amount  
25 received in any taxable year by a claimant pursuant to  
26 Section 4904 of the Penal Code.

