

OFFICE OF CRIMINAL JUSTICE PLANNING

"Providing Support to Criminal Justice Agencies,
Victim Service Organizations, and Crime Prevention
Programs."



GEORGE DEUKMEJIAN
GOVERNOR

CALIFORNIA VICTIM/WITNESS
ASSISTANCE PROGRAM
Annual Report To The Legislature
May, 1985

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CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM

ANNUAL REPORT TO THE LEGISLATURE

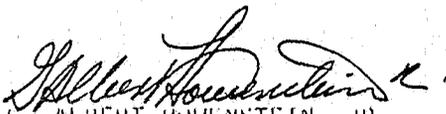
FOREWORD

In recent years, the public has become increasingly concerned with the total effect crime has on its victims. Many crime victims and witnesses experience a great deal of trauma as a result of crime. In the past, many have also experienced additional suffering as a result their involvement with and participation in the criminal justice system. With the support of Governor Deukmejian and the California Legislature, the California Victim/Witness Assistance Program has continued to assist local governments and community-based organizations to more effectively meet the needs of these individuals.

The program provides funding, training and technical assistance to Victim/Witness Assistance Centers to establish and maintain comprehensive programs for victims and witnesses of all types of crime. Special emphasis is placed on improving the attitudes of citizens toward the criminal justice system, and providing for a faster, more complete recovery from the effects of crime.

This report covers the history of the program; the funding and development of Victim/Witness Centers; the project objectives and accomplishments of the forty-three counties currently funded; a presentation of State-of-the-Art victim service projects, and the impact of program efforts.

To obtain additional copies of the California Victim/Witness Assistance Program, Annual Report to the Legislature, please contact the Office of Criminal Justice Planning, Victim/Witness Division at (916) 324-9116.


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CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM

ANNUAL REPORT TO THE LEGISLATURE

December 1983 to January 1985

CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM

ANNUAL REPORT TO THE LEGISLATURE

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ACQUISITIONS

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CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM

ANNUAL REPORT TO THE LEGISLATURE
January 1985

I. INTRODUCTION

A. Purpose of the Program

The establishment of the California Victim/Witness Assistance Program resulted from the recognition, on the part of practitioners and legislators, that victims and witnesses experience a variety of needs in the wake of a crime. Studies have revealed that victims and witnesses often experience trauma resulting from the crime and their involvement with the criminal justice system. Often there are feelings of being forgotten and isolated, without practical advice or support. There may also be needs for emergency assistance such as food, clothing, or temporary housing. In response to these needs, the Legislature passed a number of bills. They are:

- Assembly Bill 1434 (Gage) Local Assistance Centers for Victims and Witnesses, Chapter 1256, 1977 Statutes. (A copy of the Statute is in Appendix A.)

This legislation was designed to fund pilot centers for victims and witnesses in order to provide ways of improving the attitudes of these citizens toward the criminal justice system and to provide for faster and more complete recovery from the effects of crime. Responding to this legislative mandate, the Office of Criminal Justice Planning (OCJP) funded six full-service assistance centers with a supplemental award from the Law Enforcement Assistance Administration (LEAA) to California's 1978 Part C Block Grant. Additionally, ten more agencies developed and began operating Victim/Witness centers with LEAA funds administered by OCJP.

With the success of these pilot centers, it became apparent that a need existed to provide financial aid to local comprehensive programs to assist victims and witnesses of all types of crime. To answer this need, the California Legislature enacted a second statute which also focused on victims and witnesses.

- Senate Bill 383 (Smith) Victims and Witnesses of Crime; Fines and Assessment, Chapter 713, 1979 Statutes. (A copy of the Statute is in Appendix B.)

This legislation provided that a person convicted of committing a crime of violence in this state, which resulted in the injury or death of another person, would pay a fine commensurate with the offense committed. The probable economic impact upon the offender was at least ten dollars (\$10) but was not to exceed ten thousand dollars (\$10,000). These funds, along with set penalty assessments, were then deposited into the Indemnity Fund of the State Treasury.

All funds deposited in the Indemnity Fund were divided between the Victim of Violent Crime Program and the Victim/Witness Assistance Program.

- Assembly Bill 493 (Moore) Courts: Fees and Penalties, Chapter 530, 1980 Statutes. (A copy of the Statute is in Appendix C.)

This legislation changed the penalty assessment structure. It mandated that there be levied an assessment in an amount equal to three dollars (\$3) for every ten dollars (\$10) of every fine, penalty or forfeiture imposed and collected by the courts for criminal offenses. The assessments collected by each county were then deposited into the Assessment Fund of the State Treasury. Once a month a set percentage of the Assessment Fund was transferred into the Indemnity Fund.

The funds generated under this legislation which were deposited in the Indemnity Fund were then divided to indemnify victims of violent crimes filing claims for reimbursement and to provide assistance to local comprehensive centers for victims and witnesses.

- Assembly Bill 698 (Thurman) Crimes, Chapter 166, 1981 Statutes. (A copy of the Statute is in Appendix D.)

This legislation increased the penalty assessment to four dollars (\$4) for every ten dollars (\$10) in fines, penalties, or forfeitures imposed and collected by the courts for criminal offenses. It also increased the percentage of the Assessment Fund monies which were deposited in the Indemnity Fund each month.

The funds generated under this legislation which were deposited in the Indemnity Fund were then divided to indemnify victims of violent crimes filing claims for reimbursement; to fund rape crisis centers and child sexual exploitation/abuse counseling centers; and to provide assistance to local comprehensive centers for victims and witnesses. In addition, a sunset clause contained in previous legislation was deleted, providing for the continuation of the Victim/Witness Assistance Program indefinitely.

- Senate Bill 1084 (Petris) Centers for Victims and Witnesses, Chapter 1312, 1983 Statutes. (A copy of the Statute is in Appendix E.)

This bill continued UCJP's authority to provide support to local victim and witness assistance centers, local rape crisis centers, and child sexual exploitation and abuse counseling centers. In addition, it listed activities which must be carried out by Victim/Witness centers and detailed other eligibility criteria for receiving State support.

This legislation also created in the State Treasury a Victim/Witness Assistance Fund to be dispensed to UCJP exclusively for assistance to centers as listed above. Monies for this new fund were allotted in A.B. 1485.

- Assembly Bill 1485 (Sher) Crimes: Penalties: Fines and Forfeitures, Chapter 1092, 1983 Statutes. (A copy of applicable portions of this Statute is in Appendix F.)

This legislation increased the size of the Assessment Fund by increasing penalty assessments from four dollars (\$4) to five dollars (\$5) for every ten dollars (\$10) in fines, penalties, or forfeitures. Various fines were also increased. Additionally, the Indemnity Fund was re-named the Restitution Fund, and a specified restitution fine was imposed. Monies deposited in the Restitution Fund are used to indemnify victims of crime.

This bill also provided that 10% of the Assessment Fund be deposited each month in the Victim/Witness Assistance Fund created by S.B. 1084 described above.

B. History of the Program

The concept of providing help to victims has been in existence in California since 1965 when the state developed the nation's first Victim Indemnification Program. It was not long before additional needs of both victims and witnesses in the criminal justice system became apparent.

In late 1977, the California Council on Criminal Justice (CCCJ) identified victim/witness assistance as one of its top program priorities. A survey conducted by UCJP in 1978 identified nineteen projects delivering a multiplicity of services. The survey revealed that these projects were delivering different kinds of services to victims and witnesses and were employing various methods for delivery of the services.

Consistent with the passage of the aforementioned legislation, the program priorities set by CCCJ, and the rapid development of Victim/Witness service centers, UCJP has been charged with the responsibility of selecting and supporting local assistance centers.

During the first year of operation of the California Victim/Witness Assistance Program, FY 1980/81, three million dollars were appropriated to UCJP for funding comprehensive centers within the State of California. Based upon recommendations of the California Victim/Witness Advisory Committee, guidelines were adopted which subsequently provided funding for centers in 30 counties. The guidelines provided specific allocations for each county having a 1980 population of 200,000 or more and created a "Balance of State" category for the support of centers in less populous counties. Provisions were also made to ensure that existing centers were funded at their existing budget levels where formula amounts were less. This was identified as a "Transition Year" for those programs.

Similarly, an appropriation of three million dollars was included in the Governor's FY 1981/82 budget for use in funding comprehensive Victim/Witness centers. Under the system developed for that year, specific allocations were made for each county having a 1980 population of 100,000 or more. In an effort to ensure maintenance of a minimum level of service responsive to the requirements of authorizing legislation, that system provided that no program within a county of over 100,000 population would receive less than an established amount. A "Balance of State" category for support of programs in less populous counties was also created. A total of 34 counties received funding during FY 1981/82.

During FY 1982/83, the State Budget Act allocated \$5.2 million to fund Victim/Witness centers. Specific allocations were set for each county having a 1981 population of 100,000 or more. The "Balance of State" category supported programs in less populous counties. A total of 35 counties were funded.

A total of \$5.2 million was again allocated during FY 1983/84. Victim/Witness centers in 35 counties received state funding using the same allocation formula as used for the previous year.

The FY 1984/85 allocation was \$7,750,000. A total of 41 projects serving 43 counties were funded using the same allocation formula as used in FY 1983/84.

II. PROGRAM DESCRIPTION

A. Goals and Objectives

Based on expressions of legislative intent and program purposes contained in the statutes described above, the goals/objectives of the State program are to:

1. Provide financial aid to establish and maintain local comprehensive centers for victims and witnesses of all types of crime.
2. Improve the understanding of the needs of victims and witnesses on the part of the criminal justice system and increase their participation in the administration of justice. In carrying out this objective, centers should be designed to undertake activities that:
 - a. Provide a model for other community-based efforts to aid victims and witnesses.
 - b. Sensitize law enforcement officials, communications technicians (i.e. dispatch operators), and other community personnel to the needs of victims of crime, and reinforce a concerned approach to these victims.
 - c. Attempt to decrease the incidence of unreported crimes by re-establishing trust in the system.

- d. Assure that victims and witnesses are informed of the progress of the case in which they are involved.
3. Provide victims with a faster and more complete recovery from the effects of crime through the services of centers for victim and witness assistance.
4. Increase the role of Victim/Witness centers in assisting victims of crime to apply for state compensation.

B. Program Components

All applicants for funds appropriated pursuant to Penal Code 13835 must comply with the service standards listed below:

1. General Activities and Orientations

In order to ensure effective delivery of services to victims and witnesses, centers must carry out the following activities in connection with both mandatory and optional services:

a) Translation Services

Centers must be able to provide all services regardless of whether or not a client speaks English. To accomplish this end, centers must either have available multi-lingual staff or maintain a listing of local residents or agencies who can be called upon to deliver translation services as required. This listing should cover all foreign languages spoken by significant portions of the local population.

b) Client Service Follow-Up

In order to assure that their client referral service is effective in connecting clients with needed services, centers must develop a client service follow-up procedure. This procedure will enable projects to determine whether or not individual clients have taken advantage of the services to which they have been referred by Victim/Witness staff. This follow-up procedure may take the form of telephone, mail, or personal interviews with either clients or representatives from agencies to which clients were referred.

c) Field Visits

To achieve the flexibility projects need in order to respond to the intervention, counseling, or other needs of victims, projects will carry out field visits. These field visits will be done in those cases where the victim cannot come to the project center and the service cannot otherwise be delivered. Field visits may take place in a victim's residence, temporary residence, place of work, or other location convenient for the victim.

d) Volunteer Participation

Centers are to make maximum use of volunteers in developing and operating the Victim/Witness Assistance Center. It is expected that centers will recruit and use volunteers to augment their paid staff. Recruitment of volunteers by centers should take into consideration the broad spectrum of clients likely to be served. In addition, centers must provide new and continuing volunteers with both structured and on-the-job training appropriate to their specific duties.

e) Services for the Elderly

Centers must respond to the special needs of the elderly crime victim. In short, projects must assess the special needs of elderly victims and match their needs with the appropriate local service agencies.

f) Local Coordinating Committee

Centers are responsible for establishing a local victim services committee comprised of representatives of agencies that are part of the local service delivery network. The function of this committee will be to ensure coordination and effective service delivery. At a minimum, the project must meet regularly with centers receiving OCJP Sexual Assault Program funding. Details of this coordination must be included in the proposal.

2. Mandatory Services

Mandatory services are those sets of activities mandated in legislation and central to the maintenance of a center responsive to the basic rights and needs of victims and witnesses. Although these service components are presented as distinct sets of activities, it is understood that there is considerable overlap and inter-dependency between them. As presented in the definitions that follow, the discussion of each mandatory service component includes a range of possible service. The range of service for each component moves from the service standard (that is, an adequate level of service), to a level of service which represents a model approach to the needs of both victims and witnesses. A "service standard" for any given mandatory service component means an activity level viewed by OCJP as basic to the definition of that component. The "model standard" level of service, on the other hand, encompasses the most complete and effective response to needs, and represents the standard toward which all centers are expected to aim.

Following are the mandatory service components:

a) Crisis Intervention

(1) Service Standard

Within one (1) working day of any crisis referral to a center, staff will make contact with the victim to assess his/her needs. This initial contact will include an assessment of the need for immediate crisis counseling. As a result of this assessment, the center either will directly provide the necessary crisis intervention services at that time or will arrange immediately for the provision of needed services by appropriate local service agencies. In addition, centers are to establish themselves as active participants in local public and private service networks in order to provide for timely and comprehensive response to victims' crises. In the absence of already established networks, centers will initiate contact with all appropriate local agencies, and will, as necessary, refer clients to those agencies.

(2) Model Service

Except as noted in the following, all Service Standard activities will be carried out.

Centers will directly, or in conjunction with other local agencies, maintain a twenty-four hour, seven day-a-week telephone line. The purpose of this telephone line is to receive crisis intervention referrals from law enforcement and community agencies, as well as from victims themselves. In addition, centers will deliver on-site or crime scene crisis intervention services on a twenty-four hour basis.

Also, within seventy-two hours of a violent crime incident, centers will assess the needs of the victim and, when necessary, arrange for the provision of crisis intervention services.

b) Emergency Assistance

(1) Service Standard

Whereas crisis intervention is a response to victims' emotional trauma, emergency assistance is a response to victims' immediate material needs such as food and shelter.

In order to provide for timely and comprehensive responses to victims' material needs, centers are to establish themselves as active participants in local public and private service networks. In the absence of an already established network, centers will initiate contact with all appropriate local agencies and will, as necessary, refer clients to those agencies.

In addition, within twenty-four hours of an assessment of a victim's material needs, centers will refer the victim to appropriate local agencies.

(2) Model Service

Except as noted in the following, all Service Standard activities will be carried out.

In the absence of resource agencies for the provision of emergency material needs, centers will establish or initiate the establishment of a fund to meet victims' material needs.

c) Resource and Referral Counseling

(1) Service Standard

As described in the Service Standards for the Crisis Intervention and Emergency Assistance components, centers are to establish themselves as active participants in the local public and private service networks in order to provide for timely and comprehensive responses to victims' needs. In the absence of an already established network, centers will initiate contact with all appropriate local agencies. In addition, projects will, as necessary, refer clients to those agencies, and will maintain a listing of established agencies appropriate to victims' needs for use by center staff.

(2) Model Service

No enhancements to the Service Standard can be determined at this time.

d) Follow-Up Counseling

(1) Service Standard

Center staff will provide victims with peer, informal, or other counseling that does not demand that the counselor be a licensed professional.

Areas in which staff should be able to counsel victims include, but are not limited to, the following:

- . emotional problems as a result of being a victim
- . problems with personal relationships as a result of the crime
- . financial and/or employment problems as a result of the crime

Centers will perform periodic reassessments of each client's needs. The frequency of such reassessments will

be based upon the severity and characteristics of each individual case.

Before terminating delivery of service to any individual client, centers will make at least one contact (by telephone, by mail, or in person) to ensure that the client's needs have been met.

(2) Model Service

No enhancements to the Service Standard can be determined at this time.

e) Victim of Crime Claims

(1) Service Standard

Centers will assist victims of crime through all phases of California's indemnification claim process. This assistance will be comprised of the following activities:

- advising prospective claimants on the merits of their proposed claim
- gathering all necessary claim information and verifications
- completing Victim of Crime claim forms
- preparing and submitting completed claims to California's Board of Control within 60 days of initiation by victims
- completing Emergency Award applications and submitting such applications to the Board of Control
- when requested, representing victims' claims at Board of Control hearings
- providing on-going liaison services between claimants and the Board of Control

(2) Model Service

Except as noted in the following, all Service Standard activities will be carried out.

Centers will seek comprehensive and specialized training for staff in Board of Control procedures for the full completion and verification of Victim of Crime claims. It is expected that such training will enable local centers to submit fully completed and verified claims to the Board of

Control, thus freeing Board of Control staff from claims completion and verification responsibilities.

Also, centers will fully complete, verify, and submit to the Board of Control all new claims within thirty (30) days of receipt from the victim.

It is understood that the relocation of full claim completion and verification responsibilities from the Board of Control to local centers carries with it increased costs. Consequently, compliance with this standard necessarily depends upon an increase in the resources available to local centers.

f) Orientation to the Criminal Justice System

(1) Service Standard

When requested or as needed, all centers will provide victims and witnesses with brochures and other printed or verbal information on the location, procedures, and functioning of the local criminal justice system. All centers are to have available printed information in those languages appropriate to local ethnic or language needs.

As necessary, center staff will provide counseling to victims and witnesses directed toward relieving anxiety and/or confusion concerning the criminal justice process.

In addition, centers will develop and maintain a listing of local persons who can be called upon to provide translation services for victims and witnesses from the major non-English-speaking groups within the community.

(2) Model Service

Except as noted in the following, all Service Standard activities will be carried out.

Centers will use staff or volunteers to maintain information desks at courthouses in order to provide reception and guidance to witnesses, and to disseminate criminal justice information.

In addition, centers are to directly provide or arrange for the provision of a witness waiting room. These facilities should add to witnesses' comfort and should limit the possibilities of witnesses being intimidated by defendants or others.

g) Court Assistance

(1) Service Standard

Through reception and guidance, centers will provide information to witnesses to assist them with their court appearances.

(2) Model Service

No enhancement to the Service Standard can be determined at this time.

h) Court Support

(1) Service Standard

Centers will, when deemed necessary by center staff, physically accompany the witness to the courtroom. Further, when deemed necessary, project staff will remain with witnesses throughout their court appearance.

(2) Model Service

Except as noted in the following, all Service Standard activities will be carried out.

Center staff will, when requested by a witness, physically accompany the witness to the courtroom and, when requested, remain with the witness throughout his/her court appearance.

i) Presentations/Training to Criminal Justice System Agencies

(1) Service Standard

Centers will identify all agencies that are part of the local criminal justice system. Centers will hold educational sessions with the identified agencies on an ongoing basis. These sessions will be tailored to the characteristics of each agency, and will enhance cooperation between agencies, provide a forum for the exchange of information, inform agencies of the rights and needs of victims, and describe those services available through the local Victim/Witness Assistance Center.

(2) Model Service

No enhancements to the Service Standard can be determined at this time.

j) Public Presentations/Publicity

(1) Service Standard

Centers will identify all agencies that are not part of the local criminal justice system, but that are likely to be a referral source or resource for victims and witnesses.

Centers will hold educational sessions with the identified agencies on an ongoing basis. These sessions, which must be tailored to the characteristics of each agency, will enhance cooperation between agencies, provide a forum for the exchange of information, inform agencies of the rights and needs of victims, and describe the services available through the local Victim/Witness Assistance Center.

In addition, centers will make at least one public educational presentation each month to representative community groups or local schools.

(2) Model Service

Centers will participate in an effort to develop a statewide advertising campaign. The goal of this effort will be to create a unified approach to educating California's citizens concerning the rights and needs of victims and the services available through the California Victim/Witness Assistance Program.

k) Case Disposition/Case Status

(1) Service Standard

When requested, centers will keep victims assisted by the center apprised of any significant developments in the investigation and prosecution of the case in which they are involved.

Within thirty (30) working days of the disposition of a case, centers will inform all witnesses and victims assisted by the center of the disposition of the case in which they are involved. "Disposition" here means the judgment on prosecuted charge(s), defendant's guilty plea, or dismissal of the charge(s), as well as the convicted defendant's sentence.

(2) Model Service

Within thirty (30) working days of the disposition of a case, centers will inform all law enforcement officers serving as witnesses of the disposition of the case in which they are involved. "Disposition" here means the judgment on the prosecuted charge(s), the defendant's guilty plea, or the dismissal of the charge(s), as well as the convicted defendant's sentence.

In addition to informing victims and witnesses assisted by centers of the disposition of the case in which they are involved, centers will inform them of appeals made in the case by defendants.

1) Notify Friends and Relatives

(1) Service Standard

Upon request, centers will notify a victim's relatives and friends of the occurrence of a crime and the victim's condition as a result of that crime. In those instances where the primary victim has been killed, centers will make an offer of service to the victim's immediate family.

(2) Model Service

Except as noted in the following, all Service Standard activities will be carried out.

Upon request, centers will notify the victims relatives and friends of the victim's death. This service will be done on-site (that is, at the relative's or friend's residence, place of work, or other location as necessary).

3. Optional Services

The following service components are designated as "Optional Services". Optional does not mean that these are unimportant components of California's Victim/Witness Program. These services are demanded less frequently of centers than mandatory services and are necessary in only some communities; but, when needed, they are often as valuable to clients as mandatory services. Therefore, these service components are included to allow centers the latitude to develop services responsive to local needs. Provision of the services, however, should not preclude effective delivery of mandatory services.

The following definitions of the individual optional service components outline what constitutes or may constitute delivery of the service:

a) Employer Intervention

The delivery of this service may involve any of the following activities:

- (1) notification of a victim's employer that a crime was committed against an employee and the condition of the employee as a result of the crime
- (2) intercession with an employer on the victim's behalf where the occurrence of the crime has caused or will cause an employee to lose time from work, thus possibly jeopardizing his/her employment
- (3) notification of a witness' employer that an employee has been or will be called upon by the court to serve as a witness

b) Creditor Intervention

The delivery of this service may involve intercession on behalf of victims requesting assistance in informing creditors of their temporary inability to meet current financial obligations. These financial obligations may be pre-existing debts or debts which have been incurred as a result of the crime.

c) Child Care

The delivery of this service may involve the direct provision by center staff or arrangement for the provision of temporary child care while a victim or witness is appearing in court, meeting with prosecution or law enforcement officials, or otherwise taking part in criminal justice proceedings.

d) Restitution

The delivery of this service may involve the following activities:

- (1) referral of victims to those criminal justice system agencies responsible for establishing and administering restitution
- (2) direct participation of centers in the establishment and administration of restitution

(e) Property Return

The delivery of this service may include the following activities:

- (1) referral of victims to those criminal justice system authorities responsible for the return of property held as evidence
- (2) intercession by projects on behalf of victims with those agencies administering property return in order to obtain early release of victims' property
- (3) direct participation in and administration of a system to facilitate the early release of victims' property

f) Witness Call-Off

The delivery of this service may involve notifying witnesses of cancellations or changes in scheduled court appearances. Further, this service component may include the development and administration by centers of an "on-call" service for witnesses.

g) Funeral Arrangements

The delivery of this service involves assisting a deceased victim's immediate family with any necessary funeral arrangements.

h) Crime Prevention Information

The delivery of this service involves the provision of crime prevention information to victims or any other interested persons through the use of brochures, counseling, public presentations, or referrals to appropriate criminal justice system agencies.

i) Witness Protection

The delivery of this service involves arranging for law enforcement protection when a witness' safety is threatened.

j) Temporary Restraining Orders

The delivery of this service involves assisting victims, witnesses, or other persons in completing the forms necessary for obtaining temporary or ex-parte restraining orders.

k) Transportation

The delivery of this service involves arranging for the provision of or directly providing emergency transportation for victims.

4. Special Components

Centers electing to include special program components such as a victim emergency fund or witness protection must comply with the following criteria:

- a) A maximum of 5% of the total grant award may be allocated for a Victim Emergency Fund to pay for emergency items such as food or lodging. Emergency Fund procedures must be approved by UCJP before any of those funds can be expended.
- b) A maximum of 15% of the total grant award may be allocated for witness protection. Local procedures, based on the guidelines of the California Witness Protection Program administered by the Department of Justice, must be approved by UCJP before any of those funds can be expended.

III. PROGRAM ACCOMPLISHMENTS

A. Services

Victim/Witness Assistance Programs were first implemented in 1979. In 1982, with the formation of statewide services and service standards, an effort was established to assess the frequency of service provision to crime victims and witnesses. The following table represents a general accounting of actual and projected program activities for the years 1982/83 through 1984/85:

VICTIM/WITNESS ASSISTANCE CENTER SERVICES

<u>Services</u>	<u>No. of Services Provided* FY 82/83</u>	<u>No. of Services Provided* FY 84/85</u>	<u>Increase In Services Provided*</u>
Crisis Intervention	8,035	39,576	31,541
Emergency Assistance	4,119	9,820	5,701
Resource & Referral Counseling	24,610	43,795	19,185
Follow-Up Counseling	14,734	42,109	27,375
Victim of Crime Claims	3,076	6,620	3,544
Orientation to Criminal Justice System	43,030	449,528	406,498
Court Assistance	5,188	133,430	128,242
Court Support	576	15,590	15,014
Presentations/Training to Criminal Justice System Agencies	N/A	906	906
Presentations/Public	N/A	1,888	1,888
Case Disposition/Case Status	109,300	443,272	333,972
Notify Friends & Relatives	5,024	14,985	9,961
Employer Intervention	1,376	7,404	6,028
Creditor Intervention	3,722	6,314	2,592
Child Care	944	4,511	3,567
Restitution	14,612	29,014	14,402
Property Return	2,570	5,851	3,281
Witness Call-Off	N/A	189,748	189,748
Funeral Arrangements	188	274	86
Crime Prevention Information	5,688	48,200	42,512
Witness Protection	1,082	1,683	601
Temporary Restraining Orders	N/A	4,463	4,463
Transportation	N/A	8,387	8,387
TOTAL	247,874	1,507,368	1,259,494

* Projected Services Provided Per Contract.

B. State-of-the-Art Activities

In addition to compliance with statewide statutorily mandated services, several programs have implemented innovative "State-of-the-Art" activities which characterize the exceptional excellence and qualities of California's Victim/Witness programs. The following is an overview of those activities:

1. Alameda County District Attorney' Office

This program has structured and increased the payment of restitution in Municipal Court cases where formal probation supervision is not ordered; and, works directly in cooperation with judges of the Municipal Court.

2. Butte County Probation Department

This program has implemented a microcomputer system which has been installed in the Victim/Witness Office, the District Attorney's office, and the Probation Department. As a result, all appropriate staff can access information from the same pool of information concerning general case status information, status letters, subpoenas and disposition letters.

3. Fresno County Probation Department

This program provides a full range of comprehensive services to victims and witnesses of violent crime in rural Fresno County through a multi-agency approach. It also provides for decentralized service delivery from existing community service centers; and provides interaction with, and training to, law enforcement agencies which have been designated to provide services to violent crime victims in rural areas.

4. Humboldt County District Attorney's Office

The primary functions of this program are three-fold: (1) to provide a service network of agencies and organizations in the rural areas which render services and support for victims; (2) to continue existing services to the four outlying judicial districts in Humboldt County; and, (3) the maintenance of a system which provides loss information and other victim concerns to attorneys and justice courts for misdemeanor victims.

5. Los Angeles County District Attorney's Office

The county portion of the overall "State-of-the-Art" program is used to work exclusively on the problems faced by families of homicide victims. The city portion of the program permits three additional victim/witness service workers at three Los Angeles Police Department stations.

6. Napa County Volunteer Center

This program provides liaison activities with all relevant criminal justice agencies; outreach and program development in the upper valley area; advanced officer training; and coordination and delivery of direct restitution assistance and follow-up services for victims.

7. Orange County Community Service Program

This program provides on-site crisis intervention to all victims referred by Costa Mesa, Huntington Beach, Irvine and Westminster police officers. Additional services include information and on-going referrals, provision of professional counseling services, emergency services, and follow-up counseling services.

8. Placer County District Attorney's Office

This program provided for the placement of one full-time staff person in Roseville thus enabling the project to better serve clients in Placer County's largest city, as well as clients in surrounding South Placer cities via the provision of primary services.

9. Riverside County District Attorney's Office

This program pays for the services of an on-site advocate. Activities include crisis intervention; direct referral and follow-up services; the provision of law enforcement training; and on-site technical assistance on State Victim Compensation Claims. It has developed a model for on-site victim assistance services, and reduced response time to victims of violent crime in the Riverside Police Department's area.

10. Sacramento County District Attorney's Office

This program has expanded services to the victims/witnesses of crime in Sacramento to include: reviewing all crime face sheets for the Sacramento Police Department and providing victim notification pursuant to Government Code mandates; providing for group/peer counseling sessions for specific types of crime victims; assisting in the establishment of a pre-complaint family violence diversion unit within the District Attorney's office; provision of 24-hour response capability by both permanent counseling staff and volunteer chaplains; and expanding training and public education in the area of crime prevention and services to crime victims.

11. San Benito County District Attorney's Office

This program provides a Domestic Intervention Worker to work on an on-call basis with all local law enforcement agencies in domestic violence cases.

12. San Joaquin County District Attorney's Office

Program funds in this program are used to implement a Victim Crisis Mobil Unit and a 24-hour crisis line.

13. San Luis Obispo County District Attorney's Office

This project provides specialized services for senior crime victims, specifically in the areas of crisis intervention/emergency assistance; victim advocacy/court assistance and support; counseling and referral; outreach and crime prevention information; and assistance with forms concerning restitution and compensation claims.

14. Santa Clara County National Conference of Christian and Jews

This project has developed and tested it's capability to collect restitution from defendant's sentenced in the Municipal Court of Santa Clara County.

15. Santa Cruz County District Attorney's Office

This project secured additional staff and equipment to expand the base program with regard to Indemnification Claims and training/supervising of volunteers.

16. Shasta County Probation Department

This program increased available staff resources by hiring two part time staff -- one in the Redding area and one in the Burney area and raised the level of service of the program in the Redding metropolitan area. It also provided on-site program services in the Burney, Fall River Mills area of Shasta County.

17. Solano County District Attorney's Office

This program deals specifically with victims who are involved in dual jurisdictional courts, adult court and juvenile court. The victims are those who have been victimized by an in-house family member, usually incest or child abuse. The objective is to provide services to victim families to alleviate or minimize stress/trauma factors. By strengthening the support and understanding to the victim family, this program strengthens the chances for their recovery and strengthens the case for a more judicious conclusion.

18. Sonoma County Probation Department

This program provided two additional positions for victim/witness services. One of these positions has targeted to work directly with victims of domestic violence, sexual assault and child abuse. The second position dealt with victim advocacy services.

19. Ventura County District Attorney's Office

This program, through the innovative integration of enhanced victim services, crime prevention programs, and citizen involvement, serves the needs of minority victims in Ventura County. In doing so, the project provides a model for the expansion of victim services while acknowledging cultural differences.

C. Impact

The original authorizing legislation which established California's first pilot Victim/Witness Centers declared several reasons for the basis of implementation of program services. These declarations of purpose as listed in Section 13835 of the Penal Code are stated below and are accompanied by a brief summary of the resulting impact of activities and services.

1. Intent

That there is a need to develop methods to reduce the trauma and undue treatment victims and witnesses may experience in the wake of a crime, since all too often citizens who become involved with the criminal justice system, either as victims or witnesses to crime, are further victimized by that system.

Impact

Several comprehensive services have been implemented which have permanently modified the administration of justice and treatment of victims in California. Specifically, formalized crisis intervention, emergency assistance, follow-up counseling, court assistance, court support and case disposition services have resulted in a reduction of the trauma associated with victimization and participation in the criminal justice system.

Optional services such as, subpoena by mail services, witness call-off, witness waiting rooms, restitution assistance, temporary restraining order assistance and property return have similarly improved the treatment of victims. These services have effectively improved the overall administration of justice through the development of witness management systems resulting in the streamlining of court required appearances and requests for repeated appearances.

2. Intent

That when crime strikes, the chief concern of criminal justice agencies has been apprehending and dealing with the criminal, and that after police leave the scene of the crime, the victim is frequently forgotten.

Impact

Service systems have been established in close cooperation with all California law enforcement agencies. Early referral and intervention techniques have been employed in all programs to insure continuity of services to victims and family members.

This activity has also resulted in the development of support services to law enforcement agencies in their service to crime victims.

3. Intent

That victims often become isolated and receive little practical advice or necessary care.

Impact

Victim/Witness Programs have established formalized services to insure victim participation in criminal justice services and methods of psychological intervention. Orientation to criminal justice system issues is by far the most provided service of Victim/Witness Centers. Case disposition/case status, witness call-off and court support services have also acted to avoid the isolation ordinarily associated with crime victims' experiences.

Crisis intervention, follow-up counseling and resource counseling have proven effective methods of providing practical advice and necessary care.

4. Intent

That witnesses must make arrangements to appear in court regardless of their own schedules, child care responsibilities, or transportation problems, and that they often find long waits, crowded courthouse hallways, confusing circumstances and, after testifying, receive no information as to the disposition of the case.

Impact

All programs have implemented witness management, child care and emergency transportation services. These services have reduced inconveniences and scheduling difficulties previously experienced by witnesses, prosecutors and courts. Witness waiting rooms have been established in many jurisdictions to remove testifying citizens from crowded courtroom hallways.

Orientation to criminal justice system procedures have increased witness understanding of proceedings and reduced confusion. Case disposition services have been implemented to extend the courtesy of final notification to victims and witnesses of the outcome of what they perceive to be their case.

5. Intent

That a large number of victims and witnesses are unaware of both their rights and obligations. Unreported crimes occur at more than twice the rate of reported crimes and the reasons people give for not reporting indicate that they are disenchanted with the criminal justice system.

Impact

Victims and witnesses are presently apprised of rights concerning restitution, sentencing statement participation, restitution fund benefits, witness fees, property return, case disposition notification, and temporary restraining orders. These citizens are also courteously advised of obligations for appearances in court and testimony.

Although disenchantment with the criminal justice system was not measured, the programs effectively encourage reporting and participation in the criminal justice system.

6. Intent

That the single most important determinant of whether or not a case will be solved is the information the victim supplies to the immediately responding patrol officer.

Impact

All Victim/Witness programs have established close working relationships with all law enforcement agencies within each jurisdiction. Victims and law enforcement agencies are provided with support services from the time shortly after the crime through the entire criminal justice procedures.

7. Intent

That although the State of California has a fund for needy victims of violent crimes, and compensation is available for medical expenses, lost income or wages, and rehabilitation costs, the application process is difficult, complex, and time consuming and few victims are aware that the compensation provisions exist.

Impact

Victim/Witness Programs have made significant accomplishments to improve the difficulties, complexities and time required to receive benefits from the State's Restitution Fund Compensation Program. During the past five years, the Office of Criminal Justice Planning and these local centers have initiated the following activities to affect these changes:

- a) Establishment of standardized claims submission procedures
- b) Establishment of standardized claims verification procedures

- c) Revision of complex application forms in cooperation with the State Board of Control
- d) Establishment of victim/witness claims quality review procedures
- e) Establishment of periodic informal training by Board of Control for victim/witness staff
- f) Establishment of successful statewide Victim/Witness Program activities to implement county collections of fines and penalty assessments to support center and State Board of Control funding

Victim/Witness Centers presently submit 70% of all claims received by the State Board of Control. With their assistance, the State Board of Control has been successful in reducing claims processing from an 18 to 24 month period required in 1980 to their present rate of 11 months.

Building upon these successes, OCJP has worked with the State Board of Control in their efforts to provide comprehensive claims verification training to all Victim/Witness centers.

D. National Impact

California's Victim/Witness Assistance Program has served as a model for several other states in their efforts to replicate this model of establishing Victim/Witness Centers through funding from fines and penalty assessments imposed upon convicted offenders. The program has further served as a model for implementation of a Department of Justice Crime Victims Assistance Program in Federal courts.

IV. RECOMMENDATION

The application of the California Victim/Witness Assistance Program has resulted in making significant improvements in the administration of justice and in the treatment of crime victims and witnesses. It is accomplishing the original legislative intent and has gone beyond that intent to further serve crime victims. It's impact has gone beyond California and has served as a model for the Nation and other States.

It is recommended that this successful statewide effort be continued so that all California communities and crime victims can receive this vitally important service.

APPENDICES

Assembly Bill No. 1434

CHAPTER 1256

An act to add an article heading immediately preceding Section 13830 of, and to add Article 2 (commencing with Section 13835) to Chapter 4 of Title 6 of Part 4 of the Penal Code, relating to criminal justice, and making an appropriation therefor.

[Approved by Governor October 1, 1977. Filed with Secretary of State October 1, 1977.]

I am deleting the appropriation contained in Section 3 of Assembly Bill No. 1434. I believe the money for this bill should come from the federal funds made available to the California Council on Criminal Justice. I strongly encourage that body to support the efforts envisioned by this bill.

With this deletion, I approve Assembly Bill No. 1434.

EDMUND G. BROWN JR., Governor

LEGISLATIVE COUNSEL'S DIGEST

AB 1434, Gage. Victims and witnesses of crime: assistance centers.

Existing law provides for indemnification of victims of crime for certain unrecompensed losses, but provides no assistance for witnesses of crimes.

This bill would direct the Office of Criminal Justice Planning to designate certain public or private nonprofit agencies who apply therefor as victim and witness centers to provide specified services and assistance to victims and witnesses of crime. It would state the intent of the Legislature that the state shall fund an amount declining from 90% to 50% of the costs of this program from January 1, 1978, to January 1, 1983, provided local governments contribute the remainder of such costs, and that after January 1, 1983, any such center which is continued shall be supported by local funding entirely.

The bill would appropriate \$1,000,000 to the Office of Criminal Justice Planning for purposes of the bill.

Appropriation: yes.

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

SECTION 1. An article heading is added immediately preceding Section 13830 of the Penal Code, to read:

Article 1. General Provisions

SEC. 2. Article 2 (commencing with Section 13835) is added to Chapter 4 of Title 6 of Part 4 of the Penal Code, to read:

Article 2. Local Assistance Centers for Victims and Witnesses

13835. The Legislature finds and declares as follows:

(a) That there is a need to develop methods to reduce the trauma and undue treatment victims and witnesses may experience in the wake of a crime, since all too often citizens who become involved with the criminal justice system, either as victims or witnesses to crime, are further victimized by that system.

(b) That when crime strikes, the chief concern of criminal justice agencies has been apprehending and dealing with the criminal, and that after police leave the scene of the crime, the victim is frequently forgotten.

(c) That victims often become isolated and receive little practical advice or necessary care.

(d) That witnesses must make arrangements to appear in court regardless of their own schedules, child care responsibilities, or transportation problems, and that they often find long waits, crowded courthouse hallways, confusing circumstances and, after testifying, receive no information as to the disposition of the case.

(e) That a large number of victims and witnesses are unaware of both their rights and obligations. Unreported crimes occur at more than twice the rate of reported crimes and the reasons people give for not reporting indicate that they are disenchanting with the criminal justice system.

(f) That the single most important determinant of whether or not a case will be solved is the information the victim supplies to the immediately responding patrol officer.

(g) That although the State of California has a fund for needy victims of violent crimes, and compensation is available for medical expenses, lost income or wages, and rehabilitation costs, the application process is difficult, complex, and time consuming and few victims are aware that the compensation provisions exist.

It is, therefore, the intent of the Legislature to provide ways of improving attitudes of victims and witnesses toward the criminal justice system and to provide for faster and more complete victim recovery from the effects of crime through the establishment of pilot project centers for victim and witness assistance.

13835.2. (a) Any public or private nonprofit agency may apply to the Office of Criminal Justice Planning for selection and funding as a victim and witness assistance center pursuant to this article.

(b) The office shall consider the following factors together with any other circumstances it deems appropriate in selecting applicants to receive funds and to be designated as victim and witness assistance centers:

- (1) Maximization of volunteers.
- (2) Stated goals of applicants.
- (3) Number of people to be served and the needs of the community.

(4) Evidence of community support.

(5) Organizational structure of the agency which will operate the center and provide services to victims and witnesses of crimes.

(c) Upon evaluation of all applicants, the office shall select a number of public or private nonprofit agencies which the office deems qualified pursuant to this article for designation to receive state and local funds pursuant to this article for the establishment and operation of the centers.

(d) The evaluation and selection of applicants shall take place from January through June 1978. The centers shall be established on or before July 1, 1978.

(e) Upon establishment of the centers, the office shall conduct appraisals of their performance to determine which of the centers shall receive continuation grants and shall report thereon to the Legislature.

13835.4. The centers shall be designed to do the following:

(a) Assist the criminal justice agencies in giving more consideration and personal attention to victims and witnesses by delivery of services on their behalf.

(b) Provide a model for other community-based efforts to aid victims and witnesses.

(c) Sensitize law enforcement officials, communications technicians, and supervisors to the needs of victims of crime and reinforce a concerned approach to these victims.

(d) Attempt to decrease the incidence of unreported crimes.

(e) Assure that victims and witnesses are informed of the progress of the case in which they are involved.

13835.6. Services provided by the centers shall include but are not limited to the following:

(a) Receipt by victims of crime of more local benefits and state compensation awards through assistance to the victims in preparing complete and detailed claims and assistance to the state by providing local verification and evaluation.

(b) Establish a means for volunteers to work with criminal justice agencies to achieve community support.

(c) Provide followup support services to victims of violent crime and their families in order to insure that they receive necessary assistance through available community resources.

(d) To provide elderly victims of crime with services appropriate to their special needs.

(e) Provide liaison and referral systems to special counseling facilities and community service agencies for victims.

(f) Provide transportation and household assistance to those victims and witnesses participating in the criminal justice process.

(g) Notification of friends, relatives, and employer of victim if requested.

(h) Arrangement for verification of medical benefits and assistance in applying for state victim compensation.

(i) Notification of witnesses prior to their being subpoenaed in criminal cases and of changes in the court calendar to avoid unnecessary trips to court and unnecessary time at court.

(j) Provision of reception and guidance at the courthouse including an explanation of unfamiliar procedures and bilingual information.

13835.8. It is the intention of the Legislature in enacting this article that from January 1, 1978, to January 1, 1983, the functions of the Office of Criminal Justice Planning required by this article and the victim and witness assistance centers established pursuant to this article shall be funded as follows: for the 1977-78, 1978-79 and 1979-80 fiscal years, by the state to the extent of 90 percent of the costs thereof provided that the local governments which would be served by a center contribute not less than 10 percent of such costs; for the 1980-81 fiscal year, by the state to the extent of 75 percent of such costs provided that such local governments contribute not less than 25 percent of such costs; for the 1981-82 fiscal year, by the state to the extent of 60 percent of such costs provided that such local governments contribute not less than 40 percent of such costs; and for the 1982-83 fiscal year, by the state to the extent of 50 percent of such costs provided that such local governments contribute not less than 50 percent of such costs. On and after January 1, 1983, funding for the continuation for any such center shall be at the election of the local governments served thereby, and state responsibility therefor shall cease.

SEC. 3. The sum of one million dollars (\$1,000,000) is hereby appropriated from the General Fund to the Office of Criminal Justice Planning for the 1977-78 and 1978-79 fiscal years for the purposes of this act.

O

Senate Bill No. 383

CHAPTER 713

An act to amend, add, and repeal Section 13967 of the Government Code, relating to victims and witnesses of crimes.

[Approved by Governor September 18, 1979. Filed with Secretary of State September 18, 1979.]

LEGISLATIVE COUNSEL'S DIGEST

SB 383, Smith. Victims and witnesses of crimes.

Existing law provides that a fine may be imposed upon persons convicted of violent crimes and for a penalty assessment of \$10 for felonies and \$5 for misdemeanors to be imposed upon every other fine, penalty and forfeiture imposed and collected by the courts. Such fines and penalties are deposited in the Indemnity Fund in the State Treasury to indemnify victims of violent crimes.

This bill would make the "penalty assessment" an "assessment" and increase the assessment to \$20 for felonies, would require the assessment to be included in a deposit for bail, as specified, provide for the return of such assessments upon acquittal or dismissal of the charges, and provide that funds from such fines and assessments shall also be used to provide financial aid to established local comprehensive programs for victims and witnesses of all types of crime, including pilot local assistance centers for victims and witnesses, pursuant to specified provisions of the Penal Code.

This bill would provide that the changes made by this act shall be effective until January 1, 1982.

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

SECTION 1. Section 13967 of the Government Code is amended to read:

13967. (a) Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars (\$10), but not to exceed ten thousand dollars (\$10,000).

(b) In addition to any other penalty, in each felony or misdemeanor matter not described in subdivision (a), the court shall levy an assessment of twenty dollars (\$20) for each felony and five dollars (\$5) for each misdemeanor upon every fine, penalty, and

forfeiture imposed and collected. When any full deposit of bail is made by a person who is not in custody, and who is charged with a misdemeanor offense, the person making the deposit shall also deposit a sufficient amount to include the assessment. Any person, upon whom an assessment has been levied, shall be entitled to a refund of that assessment if the person is acquitted of the offense or the charges of the offense are withdrawn. Where multiple offenses are charged, a single assessment in accordance with this subdivision shall be added to the total fine or bail for all offenses. This subdivision shall have no application to infraction offenses.

(c) Any fine or assessment imposed pursuant to this section shall not be subject to any additional assessment under Section 13521 of the Penal Code. The fine or assessment imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, the proceeds of which shall be available for appropriation by the Legislature to be divided equally to indemnify persons filing claims pursuant to this article and to provide assistance to established local comprehensive programs for victims and witnesses, including but not limited to, pilot local assistance centers for victims and witnesses established pursuant to the provisions of Article 2 (commencing with Section 13835) of Chapter 4 of Title 6 of Part 4 of the Penal Code.

(d) It is the intent of the Legislature that funds appropriated pursuant to this section for local assistance centers for victims and witnesses shall be in addition to any funds appropriated as provided in Section 13835.8 of the Penal Code.

(e) Funds appropriated pursuant to this section shall be made available through the Office of Criminal Justice Planning to those public or private nonprofit programs for the assistance of victims and witnesses which:

(1) Provide comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type or types of crimes.

(2) Are recognized by the county board of supervisors as the major provider of comprehensive services to such victims and witnesses.

(3) Are selected by the county board of supervisors as the eligible program to receive such funds.

(4) Assist victims of violent crimes in the preparation and presentation of their claims to the State Board of Control for indemnification pursuant to this article.

(5) Cooperate with the State Board of Control in obtaining and verifying data required by this article.

This section shall remain in effect only until January 1, 1982, and as of that date is repealed.

SEC. 2. Section 13967 is added to the Government Code, to read: 13967. Upon a person being convicted of a crime of violence

committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars (\$10), but not to exceed ten thousand dollars (\$10,000). In addition to any other penalty, upon a person being convicted of any other felony or misdemeanor there shall be levied a penalty assessment of ten dollars (\$10) for each felony conviction and five dollars (\$5) for each misdemeanor conviction upon every fine, penalty, and forfeiture imposed and collected by the courts. Any fine or penalty assessment imposed pursuant to this section shall not be subject to any penalty assessment imposed pursuant to Section 13521 of the Penal Code. The fine or penalty assessment imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, hereby continued in existence, and the proceeds of which shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to this article.

SEC. 3. It is the intent of the Legislature that the amendments to Section 13967 of the Government Code which are made by Section 1 of this act shall remain in effect only until January 1, 1982 and on that date Section 2 of this act shall become operative to restore Section 13967 to the form in which it read immediately prior to the effective date of this act.

O

Assembly Bill No. 493

CHAPTER 530

An act to repeal and add Sections 12018 and 12019 of the Fish and Game Code, to amend and repeal Section 13967 of the Government Code, as amended by Section 1 and added by Section 2 of Chapter 713 of the Statutes of 1979, to add Section 13967 to the Government Code, and to add and repeal Section 1464 to, and to repeal and add Section 13521 of, the Penal Code, to repeal and add Sections 42050, 42051, 42052, and 42053 of the Vehicle Code, and to amend, repeal, and add Section 258 of the Welfare and Institutions Code, relating to courts, and making an appropriation therefor.

[Approved by Governor July 16, 1980. Filed with
Secretary of State July 17, 1980.]

LEGISLATIVE COUNSEL'S DIGEST

AB 493, Moore. Courts: fees and penalties.

Existing law sets forth various penalty assessments based on fines, bail forfeiture or other criminal sanction, expressed in dollar amounts, which are to be set aside for specified purposes.

This bill would, for a specified period, delete those penalty assessments, create an Assessment Fund in the State Treasury, and provide for assessments on specified fines, penalties, and forfeitures, to be deposited in the Assessment Fund and thereafter transferred as specified.

Appropriation: yes.

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

SECTION 1. Section 12018 of the Fish and Game Code is repealed.

SEC. 1.5. Section 12018 is added to the Fish and Game Code, to read:

12018. On and after the effective date of this section, there shall be levied a penalty assessment in an amount of five dollars (\$5) for every twenty dollars (\$20), or fraction thereof, imposed and collected by the courts as fine or forfeiture of bail for any violation of any provision of this code or of any rule, regulation, or order made or adopted under this code. Where multiple violations are involved, the penalty assessment shall be based upon the total fine or bail forfeited for all the offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

If bail is forfeited, the court shall collect the appropriate amount of the penalty assessment from the person forfeiting such bail and the total amount of such assessment shall be transmitted to the state in

the same manner as the state's share of moneys collected as fines by a county for violations of this code.

After a determination by the court of the amount of the fine and assessment, the court shall collect and transmit the total amount of such assessment to the state in the same manner as the state's share of moneys collected as fines by a county for violations of this code.

SEC. 2. Section 12019 of the Fish and Game Code is repealed.

SEC. 2.5.. Section 12019 is added to the Fish and Game Code, to read:

12019. All the moneys collected pursuant to Section 12018 shall be deposited in the Fish and Game Preservation Fund. Such moneys shall be deposited in a special account to be used for the education or training of department employees which fulfills a need consistent with the objectives of the department.

SEC. 3. Section 13967 of the Government Code as amended by Section 1 of Chapter 713 of the Statutes of 1979 is amended to read:

13967. (a) Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars (\$10), but not to exceed ten thousand dollars (\$10,000).

(b) The fine imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, the proceeds of which shall be available for appropriation by the Legislature to be divided equally to indemnify persons filing claims pursuant to this article and to provide assistance to established local comprehensive programs for victims and witnesses, including but not limited to, pilot local assistance centers for victims and witnesses established pursuant to the provisions of Article 2 (commencing with Section 13835) of Chapter 4 of Title 6 of Part 4 of the Penal Code.

(c) It is the intent of the Legislature that funds appropriated pursuant to this section for local assistance centers for victims and witnesses shall be in addition to any funds appropriated as provided in Section 13835.8 of the Penal Code.

(d) Funds appropriated pursuant to this section shall be made available through the Office of Criminal Justice Planning to those public or private nonprofit programs for the assistance of victims and witnesses which:

(1) Provide comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type or types of crimes.

(2) Are recognized by the county board of supervisors as the

major provider of comprehensive services to such victims and witnesses.

(3) Are selected by the county board of supervisors as the eligible program to receive such funds.

(4) Assist victims of violent crimes in the preparation and presentation of their claims to the State Board of Control for indemnification pursuant to this article.

(5) Cooperate with the State Board of Control in obtaining and verifying data required by this article.

This section shall remain in effect only until January 1, 1982, and as of that date is repealed.

SEC. 3.1. Section 13967, as added to the Government Code by Section 2 of Chapter 713 of the Statutes of 1979, is amended to read:

13967. Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars (\$10), but not to exceed ten thousand dollars (\$10,000). The fine imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, hereby continued in existence, and the proceeds of which shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to this article.

This section shall become operative on January 1, 1982, and shall remain in effect only until January 1, 1983, and as of that date is repealed.

SEC. 3.5. Section 13967 is added to the Government Code, to read:

13967. Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars (\$10), but not to exceed ten thousand dollars (\$10,000). In addition to any other penalty, upon a person being convicted of any other felony or misdemeanor there shall be levied a penalty assessment of ten dollars (\$10) for each felony conviction and five dollars (\$5) for each misdemeanor conviction upon every fine, penalty, and forfeiture imposed and collected by the courts. Any fine or penalty assessment imposed pursuant to this section shall not be subject to any penalty

assessment imposed pursuant to Section 13521 of the Penal Code. The fine or penalty assessment imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, hereby continued in existence, and the proceeds of which shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to this article.

SEC. 4. Section 1464 is added to the Penal Code, to read:

1464. There shall be levied an assessment in an amount equal to three dollars (\$3) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to paragraph (iii) of subdivision (3) of Section 258 of the Welfare and Institutions Code.

Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.55 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(b) Once a month there shall be transferred into the Indemnity

Fund an amount equal to 9.38 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature to be divided equally until January 1, 1982, to indemnify persons filing claims pursuant to Chapter 5 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code, and to provide assistance to established local comprehensive programs for victims and witnesses in accordance with the provisions of Section 13967 of the Government Code.

(c) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 28.96 percent of the funds deposited in the Assessment Fund during the preceding month.

(d) Once a month there shall be transferred into the Driver Training Fund an amount equal to 48.88 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be transferred to the General Fund in reimbursement for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code.

(e) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 12.23 percent of the funds deposited in the Assessment Fund during the preceding month.

This section shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 4.1. Section 1464 is added to the Penal Code, to read:

1464. There shall be levied an assessment in an amount equal to three dollars (\$3) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to paragraph (iii) of subdivision (3) of Section 258 of the Welfare and Institutions Code.

Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would

work a hardship on the person convicted or his immediate family.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.55 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(b) Once a month there shall be transferred into the Indemnity Fund an amount equal to 9.38 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to Chapter 5 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(c) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 28.96 percent of the funds deposited in the Assessment Fund during the preceding month.

(d) Once a month there shall be transferred into the Driver Training Fund an amount equal to 61.11 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be transferred to the General Fund in reimbursement for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code.

This section shall become operative on July 1, 1982, shall remain in effect only until January 1, 1983, and as of that date is repealed.

SEC. 5. Section 13521 of the Penal Code is repealed.

SEC. 5.5. Section 13521 is added to the Penal Code, to read:

13521. On and after September 18, 1959, there shall be levied a penalty assessment in an amount equal to five dollars (\$5) for every twenty dollars (\$20), or fraction thereof, of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses, other than a fine, penalty, or forfeiture for an offense included within the penalty assessment provisions of Section 42050 of the Vehicle Code, an offense expressly exempted from the penalty assessment provisions of Section 42050 of the Vehicle Code, or a violation of the Fish and Game Code. Where multiple offenses are involved, the penalty assessment shall be based upon the total fine or bail for all offenses. When a fine is suspended, in whole or in part, the penalty

assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Peace Officers' Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

SEC. 6. Section 42050 of the Vehicle Code, as amended by Section 5 of Chapter 1148 of the Statutes of 1979, is repealed.

SEC. 7. Section 42050 of the Vehicle Code, as amended by Section 8 of Chapter 1148 the Statutes of 1979, is repealed.

SEC. 7.5. Section 42050 is added to the Vehicle Code, to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or any local ordinance adopted pursuant to this code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of a county pursuant to subdivision (3) (c) of Section 564 of the Welfare and Institutions Code, in the following amounts:

- (a) Where a fine is imposed \$5 for each \$20 of fine, or fraction thereof.
- (b) If sentence is suspended \$5 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
- (c) If bail is forfeited \$5 for each \$20 of bail, or fraction thereof.
- (d) Where multiple offenses are involved The penalty assessment shall be based on the total fine or bail for all offenses, or \$5 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 8. Section 42051 of the Vehicle Code is repealed.

SEC. 8.5. Section 42051 is added to the Vehicle Code, to read:

42051. When any deposit of bail is made for an offense to which Section 42050 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail. If bail is forfeited, the amount of the penalty assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury.

SEC. 9. Section 42052 of the Vehicle Code is repealed.

SEC. 10. Section 42052 of the Vehicle Code, as amended by Section 9 of Chapter 1148 of the Statutes of 1979, is repealed.

SEC. 10.5. Section 42052 is added to the Vehicle Code, to read:

42052. After a determination by the court of the amount due under Section 42050, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury in the same manner as fines collected for the state by a county. Upon order of the State Controller, the money shall be deposited in the State Treasury as follows:

(a) Seventy-five percent of each such penalty assessment shall be deposited in the Driver Training Penalty Assessment Fund, which fund is continued in existence, to be used exclusively to reimburse the General Fund as provided in Section 42050.

(b) Twenty-five percent of each such penalty assessment shall be deposited in the Peace Officers' Training Fund.

SEC. 11. Section 42053 of the Vehicle Code is repealed.

SEC. 11.5. Section 42053 is added to the Vehicle Code, to read:

42053. In any case where a person convicted of any violation of this code punishable by fine and the levy of the driver training penalty assessment is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

SEC. 12. Section 258 of the Welfare and Institutions Code is amended to read:

258. (a) Upon a hearing conducted in accordance with Section 257, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may do any of the following:

- (1) Reprimand the minor and take no further action;
- (2) Direct the probation officer to file a petition as provided for in Article 8 (commencing with Section 325); or
- (3) Make any or all of the following orders:
 - (i) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding

Section 13203 of the Vehicle Code or any other provision of law, when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that, in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(ii) That the minor attend traffic school over a period not to exceed 60 days.

(iii) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars (\$50), and to the Assessment Fund an assessment in the amount provided in Section 1464 of the Penal Code. Any judge, referee, or traffic hearing officer may waive an assessment if the amount the minor is ordered to pay to the general fund of the county is less than ten dollars (\$10).

(iv) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(v) That the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code.

(vi) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

(b) The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

This section shall remain in effect only until January 1, 1983, and on that date is repealed.

SEC. 12.5. Section 258 is added to the Welfare and Institutions Code, to read:

258. (a) Upon a hearing conducted in accordance with Section 257, upon the admission by a minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may do any of the following:

- (1) Reprimand the minor and take no further action;
- (2) Direct the probation officer to file a petition as provided for in Article 8 (commencing with Section 325); or
- (3) Make any or all of the following orders:

(i) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding Section 13203 of the Vehicle Code or any other provision of law, when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that, in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(ii) That the minor attend traffic school over a period not to

exceed 60 days.

(iii) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars (\$50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount provided in Section 42050 of the Vehicle Code for offenses not relating to parking or registration or offenses by pedestrians. Any judge, referee, or traffic hearing officer may waive a penalty assessment if the amount the minor is ordered to pay to the general fund of the county is less than ten dollars (\$10).

(iv) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(v) That the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code.

(vi) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

(b) The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 13. Sections 1.5, 2.5, 3.5, 5.5, 7.5, 8.5, 10.5, 11.5, and 12.5 shall become operative on January 1, 1983.

Assembly Bill No. 698

CHAPTER 166

An act to repeal Sections 12018 and 12019 of the Fish and Game Code, to amend and repeal Section 13967 of the Government Code, to amend Section 1464 of, to repeal Section 13521 of, and to add Section 13835.9 to, the Penal Code, to repeal Sections 42050, 42051, 42052, and 42053 of the Vehicle Code, to amend and repeal Section 258 of the Welfare and Institutions Code, to repeal Section 3 of Chapter 713 of the Statutes of 1979, and to repeal Section 13 of Chapter 530 of the Statutes of 1980, relating to crimes, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1981. Filed with Secretary of State July 12, 1981.]

LEGISLATIVE COUNSEL'S DIGEST

AB 698, Thurman. Crimes.

(1) Under existing law, victim and witness assistance centers are funded by the state and local governments as specified. On and after January 1, 1983, funding for the continuation of any such center is at the election of the local government served thereby, and state responsibility therefor ceases.

This bill would require a specified report to the Legislature by January 1, 1985, concerning the effectiveness of the centers.

(2) Under existing law, provisions for increases in assessments on fines and forfeitures which are equally divided to assist local victim and witness programs and to indemnify victims of violent crimes when appropriated by the Legislature, and provisions relative to the collection of such increased assessments, terminate January 1, 1982.

This bill would continue such provisions indefinitely, would eliminate the requirement that these funds be divided equally, and would provide for appropriation by the Legislature of an unspecified portion of these funds for the training of sexual assault investigators and prosecutors and assistance to local rape victim counseling centers.

(3) Under existing law, provisions whereby penalty assessments are deposited in the Assessment Fund and transferred as specified would be repealed after a specified date and replaced by other provisions relative to penalty assessments.

This bill would continue the provisions relative to the Assessment Fund indefinitely and increase the assessment and provide for its distribution as specified.

(4) The bill would appropriate \$2,700,000 in augmentation of Item 472, Budget Act of 1980, for payment of claims under the Victims of Violent Crimes Program, as a loan, to be repaid, without interest,

during the 1981-82 fiscal year from revenues deposited in the Indemnity Fund.

(5) The bill would take effect immediately as an urgency statute.
Appropriation: yes.

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

SECTION 1. Section 12018 of the Fish and Game Code, as added by Chapter 530 of the Statutes of 1980, is repealed.

SEC. 2. Section 12019 of the Fish and Game Code, as added by Chapter 530 of the Statutes of 1980, is repealed.

SEC. 3. Section 13967 of the Government Code, as amended by Section 3 of Chapter 530 of the Statutes of 1980, is amended to read:

13967. (a) Upon a person being convicted of a crime of violence committed in the State of California resulting in the injury or death of another person, if the court finds that the defendant has the present ability to pay a fine and finds that the economic impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare the court shall, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed, and with the probable economic impact upon the victim, of at least ten dollars (\$10), but not to exceed ten thousand dollars (\$10,000).

(b) The fine imposed pursuant to this section shall be deposited in the Indemnity Fund in the State Treasury, the proceeds of which shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to this article and to provide assistance to established local comprehensive programs for victims and witnesses, including but not limited to, pilot local assistance centers for victims and witnesses established pursuant to the provisions of Article 2 (commencing with Section 13835) of Chapter 4 of Title 6 of Part 4 of the Penal Code, and to provide funding for the programs provided pursuant to Article 3 (commencing with Section 13836) of Chapter 4 of Title 6 of Part 4 of the Penal Code and Article 4 (commencing with Section 13837) of Chapter 4 of Title 6 of Part 4 of the Penal Code.

(c) It is the intent of the Legislature that funds appropriated pursuant to this section for local assistance centers for victims and witnesses shall be in addition to any funds appropriated as provided in Section 13835.8 of the Penal Code.

(d) Funds appropriated pursuant to this section shall be made available through the Office of Criminal Justice Planning to those public or private nonprofit programs for the assistance of victims and witnesses which:

(1) Provide comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type or types of crimes.

(2) Are recognized by the county board of supervisors as the major provider of comprehensive services to such victims and witnesses.

(3) Are selected by the county board of supervisors as the eligible program to receive such funds.

(4) Assist victims of violent crimes in the preparation and presentation of their claims to the State Board of Control for indemnification pursuant to this article.

(5) Cooperate with the State Board of Control in obtaining and verifying data required by this article.

SEC. 4. Section 13967 of the Government Code, as amended by Section 3.1 of Chapter 530 of the Statutes of 1980, is repealed.

SEC. 5. Section 13967 of the Government Code, as added by Section 3.5 of Chapter 530 of the Statutes of 1980, is repealed.

SEC. 6. Section 1464 of the Penal Code, as amended by Section 1 of Chapter 1047 of the Statutes of 1980, is amended to read:

1464. There shall be levied an assessment in an amount equal to four dollars (\$4) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (iii) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the Fish and

Game Preservation Fund an amount equal to 0.42 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(b) Once a month there shall be transferred into the Indemnity Fund an amount equal to 24.58 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature in accordance with the provisions of subdivision (b) of Section 13967 of the Government Code.

(c) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 27.50 percent of the funds deposited in the Assessment Fund during the preceding month.

(d) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 37.36 percent of the funds deposited in the Assessment Fund during the preceding month.

(e) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 10.14 percent of the funds deposited in the Assessment Fund during the preceding month.

This section shall remain in effect only until January 1, 1982, and as of that date is repealed.

SEC. 7. Section 1464 of the Penal Code, as amended by Section 2 of Chapter 1047 of the Statutes of 1980, is amended to read:

1464. There shall be levied an assessment in an amount equal to four dollars (\$4) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (iii) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this

section, shall also be returned.

In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.42 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(b) Once a month there shall be transferred into the Indemnity Fund an amount equal to 24.58 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature in accordance with the provisions of subdivision (b) of Section 13967 of the Government Code.

(c) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 24.17 percent of the funds deposited in the Assessment Fund during the preceding month.

(d) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 40.69 percent of the funds deposited in the Assessment Fund during the preceding month.

(e) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 10.14 percent of the funds deposited in the Assessment Fund during the preceding month.

This section shall become operative on January 1, 1982, shall remain in effect only until July 1, 1982, and as of that date is repealed.

SEC. 8. Section 1464 of the Penal Code, as added by Section 3 of Chapter 1047 of the Statutes of 1980, is amended to read:

1464. There shall be levied an assessment in an amount equal to four dollars (\$4) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or

registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (iii) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.42 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(b) Once a month there shall be transferred into the Indemnity Fund an amount equal to 24.58 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature in accordance with the provisions of subdivision (b) of Section 13967 of the Government Code.

(c) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 24.17 percent of the funds deposited in the Assessment Fund during the preceding month.

(d) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 50.83 percent of the funds deposited in the Assessment Fund during the preceding month.

This section shall become operative on July 1, 1982.

SEC. 9. Section 13521 of the Penal Code, as added by Chapter 530 of the Statutes of 1980, is repealed.

SEC. 10. Section 13835.9 is added to the Penal Code, to read:

13835.9. By January 1, 1985, the Office of Criminal Justice Planning shall prepare and submit to the Legislature a report summarizing the effectiveness of victim and witness assistance centers established pursuant to this article. That report shall include, but not be limited to, the effectiveness in achieving the design functions enumerated in Section 13835.4 and the provision of services enumerated in Section 13835.6.

The Office of Criminal Justice Planning is specifically authorized and encouraged to seek the assistance of an organization or organizations which may be able to utilize funding sources other than the state to prepare this report for the Office of Criminal Justice Planning.

SEC. 11. Section 42050 of the Vehicle Code, as added by Chapter 530 of the Statutes of 1980, is repealed.

SEC. 12. Section 42051 of the Vehicle Code, as added by Chapter 530 of the Statutes of 1980, is repealed.

SEC. 13. Section 42052 of the Vehicle Code, as added by Chapter 530 of the Statutes of 1980, is repealed.

SEC. 14. Section 42053 of the Vehicle Code, as added by Chapter 530 of the Statutes of 1980, is repealed.

SEC. 15. Section 258 of the Welfare and Institutions Code as amended by Section 12 of Chapter 530 of the Statutes of 1980 is amended to read:

258. (a) Upon a hearing conducted in accordance with Section 257, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may do any of the following:

(1) Reprimand the minor and take no further action;

(2) Direct the probation officer to file a petition as provided for in Article 8 (commencing with Section 325); or

(3) Make any or all of the following orders:

(i) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding Section 13203 of the Vehicle Code or any other provision of law, when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that, in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(ii) That the minor attend traffic school over a period not to exceed 60 days.

(iii) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars (\$50), and to the Assessment Fund an assessment in the amount provided in Section 1464 of the Penal

Code. Any judge, referee, or traffic hearing officer may waive an assessment if the amount the minor is ordered to pay to the general fund of the county is less than ten dollars (\$10).

(iv) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(v) That the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code.

(vi) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

(b) The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 16. Section 258 of the Welfare and Institutions Code, as added by Section 12.5 of Chapter 530 of the Statutes of 1980, is repealed.

SEC. 17. Section 3 of Chapter 713 of the Statutes of 1979 is repealed.

SEC. 18. Section 13 of Chapter 530 of the Statutes of 1980 is repealed.

SEC. 19. The sum of two million seven hundred thousand dollars (\$2,700,000) is hereby appropriated from the General Fund in augmentation of Item 472, Budget Act of 1980, for the payment of claims under the Victims of Violent Crimes Program, as a loan, which shall be repaid, without interest, during the 1981-82 fiscal year from the first two million seven hundred thousand dollars (\$2,700,000) in revenues that are deposited in the Indemnity Fund during the 1981-82, fiscal year.

SEC. 20. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

This act will affect the Budget Act of 1980, funding provisions relative to the 1981-82 fiscal year, and certain activities of the Office of Criminal Justice Planning. In order that it may achieve its intended results, it is necessary that this act take effect immediately.

Senate Bill No. 1084

CHAPTER 1312

An act to repeal and add Article 2 (commencing with Section 13835) of Chapter 4 of Title 6 of Part 4 of, and to add Sections 13835.2 and 13835.7 to, the Penal Code, relating to centers for victims and witnesses.

[Approved by Governor September 30, 1983. Filed with Secretary of State September 30, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1084, Petris. Centers for victims and witnesses.

Existing law provides for the selection and funding of nonprofit agencies as victim and witness assistance centers by the Office of Criminal Justice Planning, as specified. The existing statutes express the intent of the Legislature that on and after January 1, 1983, funding for the continuation of any such center shall be at the election of local governments served thereby.

This bill would repeal the above provisions and instead provide that specified funds from the Indemnity Fund shall be made available through the Office of Criminal Justice Planning to any nonprofit agency for the assistance of victims and witnesses which meets certain requirements, as specified. The bill would provide that if AB 1485 is chaptered that the reference to the Indemnity Fund would be changed to the Victim-Witness Assistance Fund which would be created by the bill and authorized for use for specified purposes.

It also would require the Office of Criminal Justice Planning to submit reports to the Legislature, assessing the effectiveness of the centers that would be established pursuant to the bill and centers established pursuant to existing law, by January 1, 1985.

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

SECTION 1. Article 2 (commencing with Section 13835) of Chapter 4 of Title 6 of Part 4 of the Penal Code is repealed.

SEC. 2. Article 2 (commencing with Section 13835) is added to Chapter 4 of Title 6 of Part 4 of the Penal Code, to read:

Article 2. Local Assistance Centers for Victims and Witnesses

13835. The Legislature finds and declares as follows:

(a) That there is a need to develop methods to reduce the trauma and insensitive treatment that victims and witnesses may experience in the wake of a crime, since all too often citizens who become involved with the criminal justice system, either as victims or

witnesses to crime, are further victimized by that system.

(b) That when a crime is committed, the chief concern of criminal justice agencies has been apprehending and dealing with the criminal, and that after police leave the scene of the crime, the victim is frequently forgotten.

(c) That victims often become isolated and receive little practical advice or necessary care.

(d) That witnesses must make arrangements to appear in court regardless of their own schedules, child care responsibilities, or transportation problems, and that they often find long waits, crowded courthouse hallways, confusing circumstances and, after testifying, receive no information as to the disposition of the case.

(e) That a large number of victims and witnesses are unaware of both their rights and obligations.

(f) That although the State of California has a fund for needy victims of violent crimes, and compensation is available for medical expenses, lost income or wages, and rehabilitation costs, the application process may be difficult, complex, and time-consuming, and victims may not be aware that the compensation provisions exist.

It is, therefore, the intent of the Legislature to provide services to meet the needs of both victims and witnesses of crime through the funding of local comprehensive centers for victim and witness assistance.

13835.2. (a) Funds appropriated from the Indemnity Fund for the purposes of Section 13967 of the Government Code and Section 1464 of the Penal Code shall be made available through the Office of Criminal Justice Planning to any public or private nonprofit agency for the assistance of victims and witnesses which meets all of the following requirements:

(1) It provides comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims and witnesses of a particular type of crime, and which do not restrict services to victims of crime where there is a suspect in the case.

(2) It is recognized by the board of supervisors as the major provider of comprehensive services to victims and witnesses in the county.

(3) It is selected by the board of supervisors as the agency to receive funds pursuant to this article.

(4) It assists victims of crime in the preparation, verification, and presentation of their claims to the State Board of Control for indemnification pursuant to Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(5) It cooperates with the State Board of Control in verifying the data required by the provisions of Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(b) The Office of Criminal Justice Planning shall consider the

following factors together with any other circumstances it deems appropriate in awarding funds to public or private nonprofit agencies designated as victim and witness assistance centers:

(1) The capability of the agency to provide comprehensive services as defined in this article.

(2) The stated goals and objectives of the center.

(3) The number of people to be served and the needs of the community.

(4) Evidence of community support.

(5) The organizational structure of the agency which will operate the center.

(c) The Office of Criminal Justice Planning shall conduct an evaluation of the activities and performance of the centers established pursuant to Chapter 1256 of the Statutes of 1977 to determine their ability to comply with the intent of this article, and shall report the findings thereon to the Legislature by January 1, 1985.

13835.4. In order to insure the effective delivery of comprehensive services to victims and witnesses, a center established by an agency receiving funds pursuant to this article shall carry out all of the following activities in connection with both primary and optional services:

(a) Translation services for non-English speaking victims and witnesses or the hearing-impaired.

(b) Follow-up contact to determine whether the client received the necessary assistance.

(c) Field visits to a client's home, place of business, or other location, whenever necessary to provide services.

(d) Service to victims and witnesses of all types of crime.

(e) Volunteer participation to encourage community involvement.

(f) Services for elderly victims of crime, appropriate to their special needs.

13835.5. (a) Comprehensive services shall include all of the following primary services:

(1) Crisis intervention, providing timely and comprehensive responses to the individual needs of victims.

(2) Emergency assistance, directly or indirectly providing food, housing, clothing, and, when necessary, cash.

(3) Resource and referral counseling to agencies within the community which are appropriate to meet the victim's needs.

(4) Direct counseling of the victim on problems resulting from the crime.

(5) Assistance in the processing, filing, and verifying of claims filed by victims of crime pursuant to Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(6) Orientation to the criminal justice system.

- (7) Court escort.
 - (8) Presentations to and training of criminal justice system agencies.
 - (9) Public presentations and publicity.
 - (10) Monitoring appropriate court cases to keep victims and witnesses apprised of the progress and outcome of their case.
 - (11) Notification to friends, relatives, and employers of the occurrence of the crime and the victim's condition, upon request of the victim.
- (b) Comprehensive services may include the following optional services, if their provision does not preclude the efficient provision of primary services:
- (1) Employer intervention.
 - (2) Creditor intervention.
 - (3) Child care.
 - (4) Assistance in obtaining restitution for the victim.
 - (5) Assistance in obtaining return of a victim's property held as evidence by law enforcement agencies.
 - (6) Notification to witnesses of any change in the court calendar.
 - (7) Funeral arrangements.
 - (8) Crime prevention information.
 - (9) Witness protection, including arranging for law enforcement protection or relocating witnesses in new residences.
 - (10) Assistance in obtaining temporary restraining orders.
 - (11) Transportation.

13835.6. (a) The Office of Criminal Justice Planning, in cooperation with representatives from local victim and witness assistance centers, shall develop standards defining the activities and services enumerated in this article.

(b) The Office of Criminal Justice Planning in cooperation with representatives from local victim and witness assistance centers, shall develop a method of evaluating the activities and performance of centers established pursuant to this article.

By January 1, 1985, the Office of Criminal Justice Planning shall prepare and submit to the Legislature a report summarizing the effectiveness of victim and witness assistance centers established pursuant to this article. That report shall include, but not be limited to, the effectiveness in achieving the functions and the services enumerated in the article.

SEC. 3. Section 13835.2 is added to the Penal Code, to read:

13835.2. (a) Funds appropriated from the Victim-Witness Assistance Fund shall be made available through the Office of Criminal Justice Planning to any public or private nonprofit agency for the assistance of victims and witnesses which meets all of the following requirements:

- (1) It provides comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs which do not restrict services to victims

and witnesses of a particular type of crime, and which do not restrict services to victims of crime where there is a suspect in the case.

(2) It is recognized by the board of supervisors as the major provider of comprehensive services to victims and witnesses in the county.

(3) It is selected by the board of supervisors as the agency to receive funds pursuant to this article.

(4) It assists victims of crime in the preparation, verification, and presentation of their claims to the State Board of Control for indemnification pursuant to Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(5) It cooperates with the State Board of Control in verifying the data required by the provisions of Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

(b) The Office of Criminal Justice Planning shall consider the following factors together with any other circumstances it deems appropriate in awarding funds to public or private nonprofit agencies designated as victim and witness assistance centers:

(1) The capability of the agency to provide comprehensive services as defined in this article.

(2) The stated goals and objectives of the center.

(3) The number of people to be served and the needs of the community.

(4) Evidence of community support.

(5) The organizational structure of the agency which will operate the center.

(c) The Office of Criminal Justice Planning shall conduct an evaluation of the activities and performance of the centers established pursuant to Chapter 1256 of the Statutes of 1977 to determine their ability to comply with the intent of this article, and shall report the findings thereon to the Legislature by January 1, 1985.

SEC. 4. Section 13835.7 is added to the Penal Code, to read:

13835.7. There is in the State Treasury the Victim-Witness Assistance Fund. Funds appropriated thereto shall be dispensed to the "Office of Criminal Justice Planning" exclusively for the purposes specified in this article and for the support of the centers specified in Section 13837.

It is the intent of the Legislature that funding from the Indemnity Fund for the operation and administration of programs pursuant to this article and Section 13837, as specified in the Budget Act of 1983, shall cover only costs for operation and administration through December 31, 1983, and that as of January 1, 1984, such costs shall be payable from the Victim-Witness Assistance Fund. To the extent it is necessary to effectuate this intent, on March 1, 1984, there shall be a one-time transfer between the Restitution Fund and the Victim-Witness Assistance Fund. The amount of the transfer shall be

determined by the Department of Finance after consultation with the Office of Criminal Justice Planning, the Board of Control, and the Assembly Select Committee on Victim Restitution.

SEC. 5. Section 13835.2 of the Penal Code, as added by Section 3 of this act, and Section 13835.7 of the Penal Code, as added by Section 4 of this act, shall become operative only if AB No. 1485 of the 1983-84 Regular Session of the Legislature is chaptered and becomes effective on or before January 1, 1984, in which case Section 13835.2 of the Penal Code, as added by Section 2 of this act, shall not become operative.

O

Assembly Bill No. 1485

CHAPTER 1092

An act to amend Sections 556, 585, 805, 805.5, 1287, 1701, 2315, 2558, 2670, 2799, 2887, 2970, 3532, 3535, 4331, 4382, 4384, 4543, 5120, 5536, 5536.1, 5589, 6037, 6600, 6787, 7384, 7415, 7560, 7719, 7872, 8553, 9051.1, 9680, 9890.114, 9891.24, 9994, 10085, 10138, 10139, 10238.6, 10510, 10511, 11023, 12732, 13422, 13531, 14491, 16603, 16604, 17522, 17568, 17572, 17776, 17930, 19220, 21653, 21667, 25606, 25616, 25617, 25618, 25658, 25661, and 25665 of the Business and Professions Code, to amend Sections 1881.1, 2941.5, 2954, 2985.2, and 2985.3 of the Civil Code, to amend Sections 238, 1218, and 1576 of the Code of Civil Procedure, to amend Sections 2255, 2259, 21307, 22002, 27203, 29102, 35301, and 35302 of the Corporations Code, to amend Sections 32051, 32210, 44810, 44812, 48454, 49182, 49183, and 94336 of the Education Code, to amend Sections 3376, 3510, 5005, 5018, 5019, 5603, 5606, 5809, 9005, 17214, and 17624 of the Financial Code, to amend Sections 11036, 12002, 12003, and 12004 of the Fish and Game Code, to amend Sections 9163, 9165, 9701, 11891, 12996, 15071, 16421, 16703, 20221, 23071, 26681, 27671, 29701, 35281, 37262, 41551, 42971, 53541, 54461, 55901, 56631, 59233, 61571, 67723, and 68111 of the Food and Agricultural Code, to amend Sections 6201, 8665, 9056, 12975, 12976, 13959, 13967, 13969, 15619, 25132, 27495, 36900, 36901, and 68055.7 of, and to add Section 13960.1 to, the Government Code, to amend Sections 308, 668, and 6309.4 of the Harbors and Navigation Code, to amend Sections 1235, 1290, 1540, 1595.2, 1620, 1739, 1909, 3354, 3704, 3803, 4009, 4456, 9675, 10679, 12401, 13002, 13028, 13112, 17995, 18700, 18851, 19997, 24004, 24108, 25010, 25865, 25897, 25987, 28160, 28455, 28726, 28770, and 28862 of the Health and Safety Code, to amend Sections 657, 669, 782, 804, 833, 1043, 11146, 11161, 11164, and 11165 of the Insurance Code, to amend Sections 23, 90, 91, 354, 408, 432.7, 606, 752, 801, 853, 971, 1011, 1012, 1015, 1016, 1018, 1056, 1136, 1199, 1303, 1308, 1309, 1354, 1391, 1393, 1697, 1698.1, 1700.30, 2263, 2354, 2441, 2805, 6413.5, 6951, 6952, 6956, 7205 and 7319 of the Labor Code, to amend Sections 145, 421, 422, 424, 1673, and 1820 of the Military and Veterans Code, to amend Sections 19, 69, 71, 74, 95, 96, 99, 100, 142, 147, 148.3, 148.4, 149, 153, 154, 158, 182, 219.2, 237, 241, 241.4, 243, 245, 249, 258, 266, 266a, 267, 270, 271, 271a, 273.6, 276, 283, 308, 310, 330, 330a, 330.1, 337.4, 351a, 374b, 374b.5, 374e, 381a, 382.5, 382.6, 383b, 384.5, 384a, 384f, 396, 415, 415.5, 474, 484b, 484g, 484h, 499b, 499c, 499d, 502, 502.7, 506b, 524, 529, 532a, 535, 536, 540, 541, 542, 543, 558.1, 560, 560.4, 593, 597k, 597 (l), 606, 620, 623, 625b, 646, 647a, 647b, 653f, 653g, 654.3, 672, 1320, 1464, 1505, 2790, 4574, 4600, 12021, 12025, 12220, 12303, 12351, 12520, and 12560 of, to add Sections 1202.4 and 1205.5 to, and to add and repeal Section 11503 of, the Penal Code, to amend Sections 2313, 2315, 2316.5, 3236, 3754, 4166, 4299, 4601, 4656.3, 4726, 4879, 5008,

5008.7, 5782.21, and 25983 of the Public Resources Code, to amend Sections 1037, 3709, 3801, 3802, 4878, 4879, 5228, 5311, 5312, 5411, 5412, 7611, 7810, 7903, 8252, 16043, and 21407.6 of the Public Utilities Code, to amend Sections 461, 462, 6073, 7151, 9351, 9352, 12832, 30471, 30474, 32554, 32555, and 38801 of the Revenue and Taxation Code, to amend Section 30846 of the Streets and Highways Code, to amend Section 1957 of the Unemployment Insurance Code, to amend Sections 9875, 10851.5, 11520, 14601, 14601.1, 16023, 16560, 20001, 20002, 21702, 21713, 23103, 23104, 23109, 31618, 38316, 38317, 38320, 39011, 42000, 42001, 42001.7, and 42002 of the Vehicle Code, to amend Sections 309, 377, 4177, 5008, 5107, 31029, 31142, 31149, 31638.5, 35424, 55334, 60342, 71644, 71689.6, and 71689.27 of the Water Code, to amend Sections 7326, 8101 and 11483 of the Welfare and Institutions Code, and to repeal Section 2 of Chapter 116 of the Statutes of 1982, relating to criminal penalties, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 26, 1983. Filed with Secretary of State September 27, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1485, Sher. Crimes: penalties: fines and forfeitures.

Existing law generally authorizes the imposition of specified fines in criminal cases.

This bill would increase the amount of the authorized fine in cases where an amount is not specifically prescribed.

It would also increase the amount of certain other prescribed fines, as specified.

Existing law classifies violations of various provisions of law as a misdemeanor or felony based upon certain monetary limits on the value of the property or services which are misappropriated, obtained, or destroyed.

This bill would change these monetary limits, as specified, by categorizing additional violations as misdemeanors rather than felonies.

Under existing law, certain fines imposed on criminal offenders are required to be deposited in the Indemnity Fund for the benefit of crime victims and witnesses.

This bill would revise these provisions so that the Indemnity Fund is renamed the Restitution Fund, and the provisions for the imposition of a fine are recast to require the imposition of a specified restitution fine.

Under existing law, the moneys in the Indemnity Fund are subject to appropriation by the Legislature for victims of crime. Specified amounts are appropriated in the Budget Act of 1983 for various purposes.

This bill would, instead, continuously appropriate certain of these sums for victims of crime, as specified.

Existing law provides that the court may imprison a defendant for

nonpayment of a fine in addition to any other imprisonment imposed as a part of the punishment for the offense for which he or she was convicted.

This bill would provide that the court may not imprison the defendant for nonpayment of the restitution fine.

Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures for specified traffic offenses which are deposited in the Assessment Fund in the State Treasury and then transferred each month to various funds. Also, the sum of \$495,000 is appropriated each fiscal year, from the Corrections Training Fund for the 1981-82 fiscal year, and from the Assessment Fund each fiscal year thereafter, as specified, to the Office of Criminal Justice Planning for the purposes of a program of financial assistance for education, training, and research for local public prosecutors and public defenders. The provision for this program is to be repealed January 1, 1986.

This bill would delete the existing appropriation provision and create a Local Public Prosecutors and Public Defenders Training Fund to be appropriated, as specified, for support of that program. The fund would receive funds from the Assessment Fund resulting from a specified reduction of the percentage allocation from the Assessment Fund to the Driver Training Penalty Assessment Fund. These provisions would be repealed on January 1, 1986.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by categorizing certain crimes as misdemeanors rather than felonies.

This bill would also impose a state-mandated local program by revising the amount of the fine and the designation of the offenses for which it would be imposed, for deposit into the Restitution Fund.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute and would become operative January 1, 1984.

Appropriation: yes.

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

SECTION 1. Section 556 of the Business and Professions Code is amended to read:

556. The failure of any person mentioned in Section 551 to report; or the failure of any maternity home, hospital, or similar institution, to use the treatment prescribed in Section 551 and to record any and

who is released from custody on his or her own recognizance and who in order to evade the process of the court willfully fails to appear as required, is guilty of a felony, and upon conviction shall be punished by a fine not exceeding ten thousand dollars (\$10,000) or by imprisonment in the state prison, or in the county jail for not more than one year, or by both such fine and imprisonment. It shall be presumed that a defendant who willfully fails to appear within 14 days of the date assigned for his or her appearance intended to evade the process of the court.

SEC. 322. Section 1464 of the Penal Code, as amended by Section 2 of Chapter 1437 of the Statutes of 1982, is amended to read:

1464. (a) Subject to the provisions of Section 1206.8, there shall be levied an assessment in an amount equal to five dollars (\$5) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (iii) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the assessments established by this section and Section 1206.8 for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. The portion thereof attributable to Section 1206.8 shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines

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collected for the state by a county.

(f) The moneys so deposited shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.38 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 22.12 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature in accordance with the provisions of subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 27.75 percent of the funds deposited in the Assessment Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 29.73 percent of the funds deposited in the Assessment Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 9.12 percent of the funds deposited in the Assessment Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.90 percent of the funds deposited in the Assessment Fund during the preceding month. The amount so transferred shall not exceed the sum of five hundred thousand dollars (\$500,000) in any calendar year. The remainder in excess of five hundred thousand dollars (\$500,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 10.00 percent of the funds deposited in the Assessment Fund during the preceding month.

(g) This section shall become operative on July 1, 1983, shall remain in effect only until January 1, 1986, and as of that date is repealed.

SEC. 322.5. Section 1505 of the Penal Code is amended to read:

1505. If the officer or person to whom a writ of habeas corpus is directed, refuses obedience to the command thereof, he shall forfeit

Assembly Bill No. 2705

CHAPTER 974

An act to amend Section 13960 of the Government Code, relating to victims of crime.

[Approved by Governor September 10, 1984. Filed with Secretary of State September 10, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2705, Vicencia. Victims of crime.

Existing law authorizes the indemnification by the State Board of Control of victims of crimes, as defined, pursuant to a specified procedure. Emotional injury resulting from a crime is not indemnified under existing law unless it is incurred by a person who also sustains physical injury or threat of physical injury, or by a member of the family of the victim if that person was present during the actual commission of the crime.

This bill would provide that any individual who sustains an emotional injury as a result of being a victim of certain crimes including rape, abandonment and neglect of children, and sexual offenses, as specified, shall be presumed to have suffered a physical injury.

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

SECTION 1. Section 13960 of the Government Code is amended to read:

13960. As used in this article:

(a) "Victim" shall mean any of the following residents of the State of California, or military personnel and their families stationed in California:

(1) A person who sustains injury or death as a direct result of a crime.

(2) Anyone legally dependent for support upon a person who sustains injury or death as a direct result of a crime.

(3) Any member of the family of a victim specified by paragraph (1) or any person in close relationship to such a victim, if that member or person was present during the actual commission of the crime, or any member or person herein described whose treatment or presence during treatment of the victim is medically required for the successful treatment of the victim.

(4) In the event of a death caused by a crime, any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result thereof.

(b) "Injury" shall include physical or emotional injury, or both. However, this article shall not be construed to apply to emotional

injury unless such an injury is incurred by a person who also sustains physical injury or threat of physical injury or by a member or person as defined in paragraph (3) of subdivision (a). For purposes of this article, a victim of a crime committed in violation of Section 261, 270, 270a, 270c, 271, 272, 273a, 273b, 273d, 285, 286, 288, 288.1, 288a, or 289 of the Penal Code, who sustains emotional injury shall be presumed to have sustained physical injury.

(c) "Crime" shall mean a crime or public offense as defined in Section 15 of the Penal Code which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when the resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime for the purposes of this article, except that a crime shall include any of the following:

(1) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.

(2) Injury or death caused by a driver in violation of Section 20001, 23152, or 23153 of the Vehicle Code.

(3) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he knowingly and willingly participated.

(d) "Pecuniary loss" shall mean any expenses for which the victim has not and will not be reimbursed from any other source. Losses shall include all of the following:

(1) The amount of medical or medical related expense, including psychological or psychiatric expenses, and including, but not limited to, eyeglasses, hearing aids, dentures, or any prosthetic device taken, lost, or destroyed during the commission of the crime, or the use of which became necessary as a direct result of the crime.

(2) The loss of income or support that the victim has incurred or will incur as a direct result of an injury or death in an amount of more than one hundred dollars (\$100) or equal to 20 percent or more of the victims' net monthly income, whichever is less, except that in the case of persons on fixed incomes from retirement or disability who apply for assistance under this article, there shall be no minimum loss requirement.

(3) Pecuniary loss also includes nonmedical remedial care and treatment rendered in accordance with a religious method of healing recognized by state law.

(e) "Board" shall mean the State Board of Control.

(f) "Victim centers" shall mean those centers as specified in Section 13835.2 of the Penal Code.

CHAPTER 1340

An act to amend Section 13967 of the Government Code, to amend Sections 1202.4, 1203, 1203.04, and 1214 of, and to amend and repeal Section 1464 of, the Penal Code, and to amend Sections 729.6 and 730.6 of the Welfare and Institutions Code, relating to restitution, and making an appropriation therefor.

[Approved by Governor September 25, 1984. Filed with Secretary of State September 25, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2765, Sher. Restitution fines: victims of crime.

(1) Existing law provides for the imposition of restitution fines upon persons convicted of various crimes, including certain cases under the juvenile court law.

This bill would specify that these fines are not subject to penalty assessments under other, specified provisions of law. It also would make a related clarifying change with respect to the denomination of a certain penalty assessment.

(2) Existing law provides for the imposition of a restitution fine upon the revocation of probation.

This bill would provide instead that if a restitution fine has been stayed pending successful completion of probation, upon revocation of probation in imposition of sentence, this stay shall be lifted.

This bill would provide that a judgment that a defendant pay a restitution fine, may be enforced in the same manner provided for the enforcement of money judgments generally, subject to a specified exception.

(3) Under existing law, a probation report is required to include the determination of the probation officer whether the defendant is a person who is required to pay a restitution fine, and a recommendation as to the amount of the fine if assistance has been granted to the victim from the Restitution Fund.

This bill would provide instead that a probation officer shall also include in a probation report his or her recommendation of the amount the defendant should be required to pay as a restitution fine and whether restitution shall be to the victim or the Restitution Fund, without regard to whether assistance has been granted to the victim, thereby imposing a new duty on a local agency.

(4) Under existing law, if the person is not eligible for probation, the judge may, in his or her discretion, refer the matter to the probation officer for an investigation of the facts relevant to the sentencing of the person.

This bill would provide, in addition, that if a person is not eligible for probation, the judge shall refer the matter to the probation officer

for an investigation of the facts relevant to the determination of a restitution fine in all cases where that determination is applicable, and would require the findings of the probation officer to include a recommendation of the amount of the restitution fine, thereby imposing a new duty on a local agency.

(5) Under existing law, including cases arising under the juvenile court law, the amount of a restitution fine to be paid to the Restitution Fund shall be at least \$100 in the case of a felony and at least \$10 in the case of a misdemeanor; and existing juvenile court law authorizes the judge in felony cases to waive any amount in addition to the minimum fine under specified circumstances.

This bill would delete these minimum restitution fines, and delete provisions for their waiver.

(6) Under existing law, a minor is required to make restitution, as ordered by the court, but only in cases where the minor is not removed from the physical custody of the parent or guardian.

This bill would remove the requirement that a minor be removed from the physical custody of the parent or guardian in order for a minor to be ordered to make restitution.

(7) Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures for specified traffic offenses, which are deposited in the Assessment Fund in the State Treasury. Until January 1, 1986, the moneys in the Assessment Fund are transferred each month to the Fish and Game Preservation Fund, the Restitution Fund, the Peace Officers' Training Fund, the Driver Training Penalty Assessment Fund, the Corrections Training Fund, the Local Public Prosecutors and Public Defenders Training Fund, and the Victim-Witness Assistance Fund, in specified percentages. Of these funds, only the Local Public Prosecutors and Public Defenders Training Fund has a limit on the total amount which may be transferred thereto annually, the excess, if any, going to the Restitution Fund. From January 1, 1986, to July 1, 1987, the moneys in the Assessment Fund will be transferred each month to the Fish and Game Preservation Fund, the Indemnity Fund, the Peace Officers' Training Fund, the Driver Training Penalty Assessment Fund, and the Corrections Training Fund, in specified percentages. Thereafter, moneys in the Assessment Fund will be transferred monthly to the Fish and Game Preservation Fund, the Indemnity Fund, the Peace Officers' Training Fund, and the Driver Training Penalty Assessment Fund, in specified percentages.

This bill would repeal the provisions for the distribution of moneys in the Assessment Fund which become operative on January 1, 1986, and July 1, 1987, continuing indefinitely the recipient funds and percentage distributions thereto which are currently in effect. In addition, this bill would increase the limit on the total amount which may be transferred to the Local Public Prosecutors and Public Defenders Training Fund from \$500,000 each year to \$750,000 each year.

The bill would appropriate \$250,000 from that fund to the Office of Criminal Justice Planning, as specified.

(8) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill also makes additional changes proposed by SB 1533, to be operative only if SB 1533 and this bill are both chaptered and become effective on January 1, 1985, and this bill is chaptered after SB 1533.

Appropriation: yes.

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

SECTION 1. Section 13967 of the Government Code is amended to read:

13967. (a) Upon a person being convicted of any crime in the State of California, the court shall, in addition to any other penalty provided or imposed under the law, order the defendant to pay restitution in the form of a penalty assessment in accordance with Section 1464 of the Penal Code. In addition, if the person is convicted of one or more felony offenses, the court shall impose a separate and additional restitution fine of not less than one hundred dollars (\$100) and not more than ten thousand dollars (\$10,000). In setting the amount of the fine for felony convictions, the court shall consider any relevant factors including, but not limited to, the seriousness and gravity of the offense and the circumstances of its commission, any economic gain derived by the defendant as a result of the crime, and the extent to which others suffered losses as a result of the crime. Such losses may include pecuniary losses to the victim or his or her dependents as well as intangible losses, such as psychological harm caused by the crime. Except as provided in Section 1202.4 of the Penal Code, under no circumstances shall the court fail to impose the separate and additional restitution fine required by this section. This fine shall not be subject to penalty assessments as provided in Section 1464 of the Penal Code.

(b) The fine imposed pursuant to this section shall be deposited in the Restitution Fund in the State Treasury. Notwithstanding Section 13340, the proceeds in the Restitution Fund are hereby

continuously appropriated to the board for the purpose of indemnifying persons filing claims pursuant to this article. However, the funds appropriated pursuant to this section for administrative costs of the State Board of Control shall be subject to annual review through the State Budget process.

SEC. 2. Section 1202.4 of the Penal Code is amended to read:

1202.4. (a) In any case in which a defendant is convicted of a felony, the court shall order the defendant to pay a restitution fine as provided in subdivision (a) of Section 13967 of the Government Code. Such restitution fine shall be in addition to any other penalty or fine imposed and shall be ordered regardless of the defendant's present ability to pay. However, if the court finds that there are compelling and extraordinary reasons, the court may waive imposition of the fine. When such a waiver is granted, the court shall state on the record all reasons supporting the waiver.

(b) In any case in which the defendant is ordered to pay restitution as a condition of probation, the order to pay the restitution fine, or portion thereof, may be stayed pending the successful completion of probation, and thereafter the stay shall become permanent.

(c) If the restitution fine has been stayed pending successful completion of probation, upon revocation of probation and imposition of sentence the stay shall be lifted. The amount of restitution fine shall be offset by any restitution payments actually made as a condition of probation.

SEC. 3. Section 1203 of the Penal Code is amended to read:

1203. (a) As used in this code, "probation" shall mean the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of the probation officer. As used in this code, "conditional sentence" shall mean the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to the conditions established by the court without the supervision of the probation officer. It is the intent of the Legislature that both conditional sentence and probation are authorized whenever probation is authorized in any code as a sentencing option for infractions or misdemeanors.

(b) In every case in which a person is convicted of a felony and is eligible for probation, before judgment is pronounced, the court shall immediately refer the matter to the probation officer to investigate and report to the court, at a specified time, upon the circumstances surrounding the crime and the prior history and record of the person, which may be considered either in aggravation or mitigation of the punishment. The probation officer shall immediately investigate and make a written report to the court of his or her findings and recommendations, including his or her recommendations as to the granting or denying of probation and the conditions of probation, if granted. Pursuant to Section 828 of the

Welfare and Institutions Code, the probation officer shall include in his or her report any information gathered by a law enforcement agency relating to the taking of the defendant into custody as a minor, which shall be considered for purposes of determining whether adjudications of commissions of crimes as a juvenile warrant a finding that there are circumstances in aggravation pursuant to Section 1170 or to deny probation. The probation officer shall also include in the report his or her recommendation of the amount the defendant should be required to pay as a restitution fine pursuant to Section 13967 of the Government Code. The probation officer shall also include in his or her report a recommendation as to whether the court shall require, as a condition of probation, restitution to the victim or to the Restitution Fund. The report shall be made available to the court and the prosecuting and defense attorney at least nine days prior to the time fixed by the court for the hearing and determination of the report, and shall be filed with the clerk of the court as a record in the case at the time of the hearing. The time within which the report shall be made available and filed may be waived by written stipulation of the prosecuting and defense attorneys which is filed with the court or an oral stipulation in open court which is made and entered upon the minutes of the court. At a time fixed by the court, the court shall hear and determine the application, if one has been made, or, in any case, the suitability of probation in the particular case. At the hearing, the court shall consider any report of the probation officer and shall make a statement that it has considered such report which shall be filed with the clerk of the court as a record in the case. If the court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be served by granting probation to the person, it may place the person on probation. If probation is denied, the clerk of the court shall immediately send a copy of the report to the Department of Corrections at the prison or other institution to which the person is delivered.

(c) If a defendant is not represented by an attorney, the court shall order the probation officer who makes the probation report to discuss its contents with the defendant.

(d) In every case in which a person is convicted of a misdemeanor, the court may either refer the matter to the probation officer for an investigation and a report or summarily pronounce a conditional sentence. If such a case is not referred to the probation officer, in sentencing the person, the court may consider any information concerning the person which could have been included in a probation report. The court shall inform the person of the information to be considered and permit him or her to answer or controvert such information. For this purpose, upon the request of the person, the court shall grant a continuance before the judgment is pronounced.

(e) Except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any of the following persons:

(1) Unless the person had a lawful right to carry a deadly weapon, other than a firearm, at the time of the perpetration of the crime or his or her arrest, any person who has been convicted of arson, robbery, burglary, burglary with explosives, rape with force or violence, murder, assault with intent to commit murder, attempt to commit murder, trainwrecking, kidnapping, escape from the state prison, or a conspiracy to commit one or more of such crimes and was armed with such weapon at either of such times.

(2) Any person who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he or she has been convicted.

(3) Any person who willfully inflicted great bodily injury or torture in the perpetration of the crime of which he or she has been convicted.

(4) Any person who has been previously convicted twice in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(5) Unless the person has never been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, any person who has been convicted of burglary with explosives, rape with force or violence, murder, attempt to commit murder, assault with intent to commit murder, trainwrecking, extortion, kidnapping, escape from the state prison, a violation of Section 286, 288, or 288a, or a conspiracy to commit one or more of such crimes.

(6) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, if he or she committed any of the following acts:

(A) Unless the person had a lawful right to carry a deadly weapon at the time of the perpetration of such previous crime or his arrest for such previous crime, he or she was armed with such weapon at either of such times.

(B) The person used or attempted to use a deadly weapon upon a human being in connection with the perpetration of such previous crime.

(C) The person willfully inflicted great bodily injury or torture in the perpetration of such previous crime.

(7) Any public official or peace officer of this state or any city, county, or other political subdivision who, in the discharge of the duties of his or her public office or employment, accepted or gave or offered to accept or give any bribe, embezzled public money, or was guilty of extortion.

(8) Any person who knowingly furnishes or gives away phencyclidine.

(9) Any person who intentionally inflicted great bodily injury in the commission of arson under subdivision (a) of Section 451 or who intentionally set fire to, burned, or caused the burning of, an inhabited structure or inhabited property in violation of subdivision (b) of Section 451.

(f) When probation is granted in a case which comes within the provisions of subdivision (e), the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by such a disposition.

(g) If a person is not eligible for probation, the judge shall refer the matter to the probation officer for an investigation of the facts relevant to determination of the amount of a restitution fine pursuant to Section 13967 of the Government Code in all cases where such determination is applicable. The judge, in his or her discretion, may direct the probation officer to investigate all facts relevant to the sentencing of the person. Upon such referral, the probation officer shall immediately investigate the circumstances surrounding the crime and the prior record and history of the person and make a written report to the court of his or her findings. The findings shall include a recommendation of the amount of the restitution fine as provided in Section 13967 of the Government Code.

(h) In any case in which a defendant is convicted of a felony and a probation report is prepared pursuant to subdivision (b) or (g), the probation officer shall obtain and include in such report a statement of the comments of the victim concerning the offense. The court may direct the probation officer not to obtain such a statement in any case where the victim has in fact testified at any of the court proceedings concerning the offense.

(i) No probationer shall be released to enter another state unless his or her case has been referred to the Administrator, Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (Article 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part 4).

SEC. 4. Section 1203.04 of the Penal Code is amended to read:

1203.04. (a) In every case where a person is convicted of a crime and is granted probation, the court shall require, as a condition of probation, that the person make restitution as follows:

(1) To the victim, if the crime involved a victim. For purposes of this section, "victim" shall include the immediate surviving family of the actual victim in homicide cases. Payments shall be made to the Restitution Fund to the extent the victim has received assistance pursuant to Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code. ...

(2) To the Restitution Fund, if the crime did not involve a victim.

(b) If the court finds, and states its reasons for the finding on the record, that there are compelling and extraordinary reasons why restitution should not be required as provided in subdivision (a), the court shall require, as a condition of probation, that the person

perform specified community service.

(c) The court may avoid imposing the requirement of community service as a condition of probation only if it finds, and states its reasons for the finding on the record, that there are compelling and extraordinary reasons not to require community service in addition to its finding as to why restitution pursuant to subdivision (a) should not be required.

(d) For purposes of paragraph (1) of subdivision (a), "restitution" means full or partial payment for the value of stolen or damaged property, medical expenses, and wages or profits lost due to injury or to time spent as a witness or in assisting the police or prosecution, which losses were caused by the defendant as a result of committing the crime for which he or she was convicted. The value of stolen or damaged property shall be the replacement cost of like property, or the actual cost of repairing the property when repair is possible.

Restitution collected pursuant to this section shall be credited to any other judgments obtained by the victim against the defendant arising out of the crime for which the defendant was convicted.

(e) For purposes of paragraph (2) of subdivision (a), the amount of restitution to be paid to the Restitution Fund shall be set at the discretion of the court and commensurate with the seriousness of the offense; but shall not exceed ten thousand dollars (\$10,000) if the person is convicted of a felony; and shall not exceed one thousand dollars (\$1,000) if the person is convicted of a misdemeanor.

(f) Nothing in this section shall be construed to limit the authority of the court to grant or deny probation or provide conditions of probation.

(g) As used in this section, probation includes a "conditional sentence" as that term is defined in subdivision (a) of Section 1203.

SEC. 5. Section 1214 of the Penal Code is amended to read:

1214. (a) If the judgment is for a fine, including a restitution fine ordered pursuant to Section 13967 of the Government Code, with or without imprisonment, the judgment may be enforced in the manner provided for the enforcement of money judgments generally.

(b) Chapter 3 (commencing with Section 683.010) of Division 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply to a judgment for any fine ordered pursuant to Section 13967 of the Government Code.

SEC. 6. Section 1464 of the Penal Code, as amended by Section 322 of Chapter 1092 of the Statutes of 1983, is amended to read:

1464. (a) Subject to the provisions of Section 1206.8, there shall be levied an assessment in an amount equal to five dollars (\$5) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses

by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (iii) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the assessments established by this section and Section 1206.8 for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. The portion thereof attributable to Section 1206.8 shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.38 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 22.12 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature in accordance with the provisions of subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace

Officers' Training Fund an amount equal to 27.75 percent of the funds deposited in the Assessment Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 29.73 percent of the funds deposited in the Assessment Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 9.12 percent of the funds deposited in the Assessment Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.90 percent of the funds deposited in the Assessment Fund during the preceding month. The amount so transferred shall not exceed the sum of seven hundred fifty thousand dollars (\$750,000) in any fiscal year. The remainder, in excess of seven hundred fifty thousand dollars (\$750,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 10.00 percent of the funds deposited in the Assessment Fund during the preceding month.

SEC. 7. Section 1464 of the Penal Code, as amended by Section 322 of Chapter 1092 of the Statutes of 1983, is amended to read:

1464. (a) Subject to the provisions of Section 76000 of the Government Code, there shall be levied an assessment in an amount equal to five dollars (\$5) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (iii) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the assessments established by this section and Section 76000 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the assessment shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory,

the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section, shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. The portion thereof attributable to Section 76000 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) The moneys so deposited shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.38 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. Such moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 22.12 percent of the funds deposited in the Assessment Fund during the preceding month. Such funds shall be available for appropriation by the Legislature in accordance with the provisions of subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 27.75 percent of the funds deposited in the Assessment Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 29.73 percent of the funds deposited in the Assessment Fund during the preceding month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 9.12 percent of the funds deposited in the Assessment Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established

pursuant to Section 11503 an amount equal to 0.90 percent of the funds deposited in the Assessment Fund during the preceding month. The amount so transferred shall not exceed the sum of seven hundred fifty thousand dollars (\$750,000) in any fiscal year. The remainder in excess of seven hundred fifty thousand dollars (\$750,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 10.00 percent of the funds deposited in the Assessment Fund during the preceding month.

SEC. 7.5. Section 1464 of the Penal Code, as amended by Section 1 of Chapter 1437 of the Statutes of 1982, is repealed.

SEC. 8. Section 1464 of the Penal Code, as added by Section 3.5 of Chapter 1437 of the Statutes of 1982, is repealed.

SEC. 9. Section 729.6 of the Welfare and Institutions Code is amended to read:

729.6. (a) If a minor is found to be a person described in Section 602, the court shall require as a condition of probation, that the minor make restitution as follows:

(1) To the victim, if the crime involved a victim. For purposes of this section, "victim" shall include the immediate surviving family of the actual victim in homicide cases. Payments shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code.

(2) To the Restitution Fund, if the crime did not involve a victim.

(b) If the court finds, and states its reasons for the finding on the record, that there are compelling and extraordinary reasons why restitution should not be required as provided in subdivision (a), the court shall require, as a condition of probation, that the minor perform specified community services.

(c) The court may avoid imposing the requirement of community service as a condition of probation only if it finds, and states its reasons for the finding on the record, that there are compelling and extraordinary reasons not to require community service in addition to its finding as to why restitution pursuant to subdivision (a) should not be required.

(d) For purposes of paragraph (1) of subdivision (a), "restitution" means full or partial payment for the value of stolen or damaged property, medical expenses, and wages or profits lost due to injury or to time spent as a witness or in assisting the police or prosecution, which losses were caused by the minor as a result of committing the offense for which he or she was found to be a person described in Section 602. The value of stolen or damaged property shall be the replacement cost of like property, or the actual cost of repairing the property when repair is possible. Restitution collected pursuant to this section shall be credited to any other judgments obtained by the victim against the minor arising out of the offense for which the

minor was found to be a person described in Section 602.

(e) For purposes of paragraph (2) of subdivision (a), the amount of restitution to be paid to the Restitution Fund shall be set at the discretion of the court and commensurate with the seriousness of the offense; but shall not exceed one thousand dollars (\$1,000) if the person is found to have committed a felony; and shall not exceed one hundred dollars (\$100) if the person is found to have committed a misdemeanor.

(f) Nothing in this section shall be construed to limit the authority of the court to grant or deny probation or provide conditions of probation.

SEC. 10. Section 730.6 of the Welfare and Institutions Code is amended to read:

730.6. (a) When a minor is found to be a person described in Section 602, in addition to any other disposition authorized by law, the court shall levy a restitution fine which shall be deposited in the Restitution Fund, the proceeds of which shall be distributed pursuant to subdivision (b) of Section 13967 of the Government Code.

(b) The restitution fine imposed pursuant to this section shall be in the form of a penalty assessment in accordance with Section 1464 of the Penal Code. In addition, if the person is found to be a person described in Section 602 by reason of the commission of one or more felony offenses, the court shall impose a separate and additional restitution fine of not more than one thousand dollars (\$1,000). In setting the amount of the fine for felony offenses, the court shall consider any relevant factors including, but not limited to, the seriousness and gravity of the offense and the circumstances of its commission, any economic gain derived by the minor as a result of the offense, and the extent to which others suffered losses as a result of the offense. Such losses may include pecuniary losses to the victim or his or her dependents as well as intangible losses, such as psychological harm caused by the offense.

(c) The restitution fine shall be imposed in every case in which a minor is found to be a person described in Section 602. Such restitution fine shall be in addition to any other disposition or fine imposed and shall be imposed regardless of the minor's present ability to pay. Except as provided in this section, under no circumstances shall the court fail to impose the separate and additional restitution fine in felony cases required by this section. This fine shall not be subject to penalty assessments pursuant to Section 1464 of the Penal Code. In a case in which the minor is a person described in Section 602 by reason of having committed a felony offense, if the court finds that there are compelling and extraordinary reasons, the court may waive imposition of the restitution fine. When such a waiver is granted, the court shall state on the record all reasons supporting the waiver.

(d) In any case in which the minor is ordered to pay restitution

as a condition of probation, the order to pay the restitution fine may be stayed pending the successful completion of probation, and thereafter the stay shall become permanent.

(e) If the restitution fine has been stayed pending successful completion of probation, upon revocation of probation and imposition of sentence the stay shall be lifted. The amount of the restitution fine shall be offset by any restitution payments actually made as a condition of probation. However, probation shall not be revoked for failure of a person to make restitution pursuant to Section 729.6 as a condition of probation unless the court determines that the person has willfully failed to pay or failed to make sufficient bona fide efforts to legally acquire the resources to pay.

SEC. 11. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

SEC. 12. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the duties, obligations, or responsibilities imposed on local government by this act were expressly included in a ballot measure approved by the voters in a statewide election.

SEC. 13. The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated from the Local Public Prosecutors and Public Defenders Training Fund to the Office of Criminal Justice Planning for fiscal year 1984-85 in augmentation of budget item number 8100-101-241.

SEC. 14. Section 7 of this bill incorporates amendments to Section 1464 of the Penal Code proposed by both this bill and SB 1533. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1985, (2) each bill amends Section 1464 of the Penal Code, and (3) this bill is enacted after SB 1533, in which case Section 6 of this bill shall not become operative.

CALIFORNIA VICTIM/WITNESS ASSISTANCE CENTERS
FUNDING DISTRIBUTION FOR FY 1984/85

Alameda County District Attorney's Office 1225 Fallon Street, Room 900 Oakland, CA 94612	\$ 330,983
Amador/Alpine/Calaveras Counties District Attorney's Office 108 Court Street Jackson, CA 95642	\$ 53,215
Butte County Probation Department 170 East Second Avenue, Suite 1 Chico, CA 95926	\$ 80,000
Contra Costa County District Attorney's Office Courthouse/Post Office Box 670 Martinez, CA 94553	\$ 174,871
Del Norte County Rural Human Services, Inc. 811 "G" Street Crescent City, CA 95531	\$ 49,991
El Dorado County Probation Department 295 Fair Lane Placerville, CA 95667	\$ 80,000
Fresno County Probation Department 8th Floor/Post Office Box 453 Fresno, CA 93709	\$ 154,620
Humboldt County District Attorney's Office 825 Fifth Street Courthouse, Room 230 Eureka, CA 95501	\$ 62,070
Kern County Probation Department 1415 Truxton Avenue, Fourth Floor Bakersfield, CA 93305	\$ 124,602
Kings County District Attorney's Office Government Center Hanford, CA 93230	\$ 42,723
Lake County District Attorney's Office 255 North Forbes Street Lakeport, CA 95453	\$ 48,329
Los Angeles County District Attorney's Office 210 West Temple, #12-311 Los Angeles, CA 90012	\$ 2,450,178

Madera County Action Committee, Inc. 131-B West Yosemite Avenue Madera, CA 93637	\$ 33,034
Marin County District Attorney's Office Room 180, Hall of Justice San Rafael, CA 94903	\$ 80,000
Mendocino County District Attorney's Office Post Office Box 1000 Ukiah, CA 95482	\$ 79,991
Merced County District Attorney's Office 2222 M Street Merced, CA 95340	\$ 70,190
Monterey County District Attorney's Office Post Office Box 1369 Salinas, CA 93901	\$ 80,000
Napa County Volunteer Center 1700 Second Street Napa, CA 94558	\$ 80,000
Nevada County Chief Probation Officer 2nd Floor, Courthouse Nevada City, CA 95959	\$ 45,349
Y.S.P., Inc. Orange County Superior Court 700 Civic Center Drive West Post Office Box 1994 Santa Ana, CA 92702	\$ 499,961
Placer County District Attorney's Office 11562 "B" Avenue, De Witt Center Auburn, CA 95603	\$ 80,000
Riverside County District Attorney's Office Post Office Box 1148 Riverside, CA 92501	\$ 205,689
Sacramento District Attorney's Office 901 "G" Street Sacramento, CA 95814	\$ 245,734
San Benito County District Attorney's Office 483 - 5th Street Hollister, CA 95023	\$ 80,000
San Bernardino County District Attorney's Office 316 N. Mountain View Avenue San Bernardino, CA 92415	\$ 267,209
San Diego County District Attorney's Office Post Office Box X-1011 San Diego, CA 92112	\$ 488,490

San Francisco County District Attorney's Office 850 Bryant Street, Room 322 San Francisco, CA 94103	\$ 218,009
San Joaquin County District Attorney's Office 222 East Weber Stockton, CA 95201	\$ 104,712
San Luis Obispo County District Attorney's Office Courthouse Annex, Room 302 San Luis Obispo, CA 93401	\$ 80,000
San Mateo County Probation Department 711 Hamilton Street Redwood City, CA 94603	\$ 143,032
Santa Barbara County District Attorney's Office 118 East Figueroa Street Santa Barbara, CA 93101	\$ 80,000
Santa Clara County National Conference of Christians and Jews 777 North First Street, Mezzanine San Jose, CA 95512	\$ 316,184
Santa Cruz County District Attorney's Office 701 Ocean Street, Room 250 Santa Cruz, CA 95061	\$ 80,000
Shasta County Probation Department 1610 West Street, Suite C Redding, CA 96001	\$ 79,289
Solano County District Attorney's Office Hall of Justice 600 Union Avenue Fairfield, CA 95402	\$ 80,000
Sonoma County Probation Department Post Office Box 111719 Santa Rosa, CA 95406	\$ 80,000
Stanislaus County District Attorney's Office Post Office Box 442 Modesto, CA	\$ 79,626
Sutter County Probation Department 446 Second Street Yuba City, CA 95991	\$ 42,110
Tulare County Probation Department Room 206, Courthouse Visalia, CA 93291	\$ 80,000

Ventura County District Attorney's Office
800 South Victoria
Ventura, CA 93009

\$ 125,086

Yolo County District Attorney's Office
308 Courthouse
post Office Box 1247
Woodland, CA 95695

\$ 80,000

TOTAL

\$ 7,655,277