

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

Program Guidelines
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Office of Criminal Justice Planning

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CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM

PROGRAM GUIDELINES

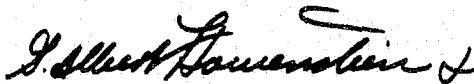
FOREWORD

The California Victim/Witness Assistance Program demonstrates the continuing commitment of Governor George Deukmejian and the California Legislature to assist the crime victims and witnesses in our state. This program is designed to help local agencies more effectively meet the needs of these individuals.

Two major objectives of the program are: (1) to provide financial aid to establish and maintain comprehensive assistance programs for victims and witnesses of all types of crime, and (2) to provide for faster and more complete recovery from the effects of crime.

This document sets forth program and administrative guidelines for California's Victim/Witness Assistance Program as authorized originally by Chapter 713, 1979 Statutes and, most recently, by Chapter 1312, 1983 Statutes. Questions dealing with this program should be directed to Vicky Leavitt, Chief, Victim/Witness-Domestic Violence Branch at (916) 324-9116.

Sincerely,



G. ALBERT HOWENSTEIN, JR.
Executive Director

GAH:vl:dlm

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ACQUISITIONS

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CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM

I. LEGISLATIVE HISTORY

The California Victim/Witness Assistance Program resulted from practitioners and legislators recognizing 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 a crime and from their involvement with the criminal justice system. Often they experience feelings of being forgotten and isolated, without practical advice or support. They also may need emergency assistance such as food, clothing, or temporary housing. In response to these concerns, the Legislature passed and the Governor signed a series of legislative bills. They are:

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

This legislation funds pilot centers for victims and witnesses in order to help improve 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, 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 agencies developed and began operating victim/witness assistance 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 comprehensive local programs to assist victims and witnesses of all types of crimes. To meet this need, California enacted a second statute that focused on victims and witnesses.

- Senate Bill (SB) 383 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 resulting in the injury or death of another person pay a fine commensurate with the offense committed. The fine of at least ten dollars (\$10) but not to exceed ten thousand dollars (\$10,000), along with set penalty assessments, would be then deposited into the Indemnity Fund of the State Treasury.

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

- AB 493 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 an assessment be levied 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 and divided to reimburse victims filing victim of violent crime (VVC) claims or to provide assistance to local comprehensive centers for victims and witnesses.

- AB 698 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 that were deposited in the Indemnity Fund each month.

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

- S.B. 1084 Centers for Victims and Witnesses, Chapter 1312, 1983 Statutes. (A copy of the statute is in Appendix E.)

This legislation continued OCJP's authority to provide support to local victim/witness centers, local rape crisis centers, and child sexual exploitation and abuse counseling centers. In addition, it listed activities that 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 OCJP exclusively for assistance to centers as listed above. Monies for this new fund were allocated in AB 1485.

- AB 1485 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 reimburse victims filing VVC claims.

This statute also provided that ten percent of the Assessment Fund be deposited each month in the Victim/Witness Assistance Fund created by SB 1084.

- AB 2779 Victims and Witnesses, Chapter 1427, 1986 Statutes. (A copy of the statute is in Appendix G.)

This legislation consolidated a list of victims' rights from other statutes and amended the Penal Code to require that witnesses as well as victims, be notified in writing of final case disposition. In addition, it modified the mandatory and optional activities described in SB 1084 that must be carried out by victim/witness assistance centers.

II. FUNDING HISTORY

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 OCJP in 1978 identified nineteen projects delivering a variety of services to victims and witnesses. The survey also revealed these projects were employing varying methods of delivery for the services.

Consistent with the passage of the aforementioned legislation, the program priorities set by CCCJ, and the rapid development of victim/witness centers, OCJP was 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 OCJP for funding comprehensive centers. Based on 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 existing centers were funded at their existing budget levels where formula amounts were less. This was identified as a "transition year" for those centers.

Similarly, an appropriation of three million dollars was included in the Governor's FY 1981/82 budget for use in funding

comprehensive victim/witness assistance centers. Specific allocations were made for each county having a 1980 population of 100,000 or more. To ensure maintenance of a minimum level of service responsive to the requirements of the authorizing legislation, no center in a county of over 100,000 population received less than an established baseline amount. A "Balance of State" category for support of centers in less populous counties was also created. A total of 34 counties received funding during FY 1981/82.

During FY 1982/83 and FY 1983/84, the State Budget Act allocated \$5.2 million to fund victim/witness assistance centers. Specific allocations were adjusted for each county having a 1981 population of 100,000 or more. The "Balance of State" category supported centers in less populous counties. A total of 35 counties were funded.

For FY 1984/85 and FY 1985/86, \$7.75 million was allocated to fund victim/witness assistance centers in 43 counties. Again, the "Balance of State" category supported centers in the less populous counties.

A total of \$7.9 million in state funds and \$790,600 in federal funds were allocated to fund 44 victim/witness assistance centers serving 51 counties during FY 1986/87. In addition, \$685,500 in state funds were allocated to augment victim/witness assistance centers for a Criminal Justice Victim Advocacy Services component which provides more immediate crisis intervention services to crime victims through enhanced cooperation with law enforcement.

III. PROGRAM OBJECTIVES

Based on expressions of legislative intent and program purposes contained in the statutes described above, the objectives of the Victim/Witness Assistance Program are to:

- A. Provide financial aid to establish and maintain local comprehensive centers for victims and witnesses of all types of crimes.
- B. Improve the criminal justice system's understanding of the needs of victims and witnesses and increase their participation in the administration of justice. In carrying out this objective, centers should be designed to undertake activities that:
 - 1. Provide a model for other community-based efforts to aid victims and witnesses;
 - 2. 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;

3. Attempt to decrease the incidence of unreported crimes by re-establishing trust in the criminal justice system; and
 4. Assure that victims and witnesses are informed of the progress of the case in which they are involved.
- C. Provide victims with faster, more complete recovery from the effects of crimes through crisis intervention and related support services of victim/witness assistance centers.
 - D. Assist victims of crime in applying for state compensation.

IV. ELIGIBILITY CRITERIA/PROGRAM COMPONENTS

Section 13835 of the Penal Code sets forth requirements for eligibility and for mandated services to be provided by centers that receive state funding. This section describes these eligibility requirements and program components as stated in the statute.

(UNTIL SUFFICIENT ADDITIONAL APPROPRIATIONS BECOME AVAILABLE, ONLY VICTIM/WITNESS ASSISTANCE CENTERS CURRENTLY FUNDED BY OCJP ARE ELIGIBLE FOR FUNDING.)

A. ELIGIBILITY REQUIREMENTS

Funds appropriated are made available through OCJP to a public or private non-profit agency that meets all of the following requirements for the assistance of victims and witnesses:

1. It provides comprehensive services to victims and witnesses of all types of crimes. It is the intent of the Legislature to make funds available only to centers that do not restrict services to victims and witnesses of a particular type of crime or to victims of crime where there is a suspect in the case.
2. It is selected by a county board of supervisors as the agency to receive funds pursuant to this article.

OCJP will accept only one proposal from each county or, in the case of regional centers, from a proposed regional service area. Evidence of selection by the board of supervisors must be in the form of a certified copy of a resolution. The resolution need not accompany the application, but must be received by OCJP within 60 days of notification of funding. Selection of the single applicant by the board of supervisors must be made on a basis that ensures:

- (a) the availability of services to victims and witnesses of all types of crimes, and

- (b) equitable distribution of such services among residents of the entire county or regional service area.
- 3. It assists victims of crime in the preparation, verification, and presentation of their claims to the state Board of Control for indemnification.
- 4. It cooperates with the Board of Control in verifying the data required. Cooperation with the Board of Control constitutes assisting victims in submitting claims for reimbursement from the Restitution Fund and obtaining the verification documentation necessary to process those claims in a timely manner, consistent with Section 13967, subsections (4) and (5) of the Government Code.

B. PROGRAM COMPONENTS

In addition to meeting the stated eligibility criteria, applicants must provide the mandated services listed below. Specific objectives related to each service are detailed in the Project Activities Outline of the Request-for-Proposals (RFP) package.

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, centers either must have available multi-lingual staff or maintain a listing of local residents or agencies which can be called on to deliver translation services as required. This listing should cover all foreign languages spoken by significant portions of the local population.

b) Offer of Services

In order to make services available to victims in need, centers must make an offer of services, by telephone or letter, within 24 hours of receiving knowledge of a crime incident. Priority for services must be based on the relevant seriousness of the crimes and needs of the victim(s).

c) Client Service Follow-Up

In order to assure 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 centers to determine whether or not individual clients have taken advantage of the services to which they have been referred by victim/witness center 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.

d) Field Visits

In order to respond to the intervention, counseling, or other needs of victims, centers must conduct field visits. These field visits will be done in cases where the victim cannot come to the 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.

e) 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 paid staff. When recruiting volunteers, 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.

f) Services for the Elderly

Centers must respond to the special needs of elderly crime victims. Centers must assess the special needs of elderly victims and match their needs with the services of appropriate local agencies.

g) Interagency Coordination/Working Relationships

Centers are to be active participants in local public and private service networks in order to provide timely and comprehensive responses to victims' crises and needs. In the absence of already established networks, centers will initiate contact with all appropriate local agencies and, form local committees to meet regularly to coordinate services with all agencies assisting victims.

Centers must formalize working agreements with all OCJP funded sexual assault, domestic violence, child abuse, district attorney special and vertical prosecution, and

crime prevention projects in the county or service area through memoranda of understanding (MOUs). These agreements must define the parameters and guidelines under which cooperation between the agencies takes place, specifically working relationships involving crisis intervention, emergency services, resource and referral counseling, and direct counseling.

2. Mandatory Services

The following services are primary to the maintenance of a comprehensive center responsive to the basic rights and needs of victims and witnesses. Although these service components are presented as separate sets of activities, it is understood there is considerable overlap and interdependency between them. Each mandatory service component is defined below with a description of the basic service standard required by OCJP.

a) Crisis Intervention

Crisis intervention is the initial contact with a victim of a violent crime and must include an assessment of the victim's emotional and physical needs.

This initial contact must take place within 24 hours of a referral. Where there is emotional trauma and the need for immediate crisis counseling, 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.

b) Emergency Assistance

Whereas crisis intervention is a response to victims' emotional trauma, emergency assistance is a response to victims' immediate material needs. "Emergency" is defined as any immediate financial intervention in response to a victim's basic needs such as: temporary shelter, food, transportation, clothing, and medical care including prescription medicine, eyeglasses, or dentures.

Within 24 hours of the initial contact and assessment of a victim's material needs, centers must provide necessary emergency services and refer the victim to the appropriate local agencies.

A Victim Emergency Fund may be established by using grant funds (up to five percent of the total grant award), soliciting donations from agencies/organizations/citizens, or establishing a

fund-raising "agency/auxiliary" to organize fund-raising events.

If the Emergency Fund is to be provided through grant funds, Victim Emergency Fund procedures must be approved by OCJP before any funds can be expended. (Sample procedures are included in the RFP.)

c) Resource and Referral Counseling

Resource and referral counseling is referral to the appropriate individual(s) or agency(ies) for goods or services necessary to the victim, but not provided by the center.

Through interagency coordination and formalized working relationships, center staff must maintain a listing of established agencies that provide services appropriate to victims' needs and refer clients to those agencies as necessary.

d) Follow-Up Counseling

Follow-up counseling is any contact with the victim subsequent to the initial contact (crisis intervention).

As follow-up to crisis intervention services, center staff must provide victims with peer, informal, or other counseling that does not require the counselor to 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; and
- financial or employment problems resulting from the crime.

Centers must periodically reassess each client's needs.

The frequency of such reassessments should be based on the severity and characteristics of each individual case.

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

e) Victim of Crime Claims

Centers must assist victims of crime in filing for compensation through the Board of Control's Victim Compensation Program. This assistance includes the following activities:

- advising prospective claimants on the merits of their proposed claim;
- gathering necessary claim information;
- completing Victim of Crime application forms;
- submitting completed application forms to the Board of Control within 30 days of initiation by victims;
- completing Emergency Award applications and submitting such applications to the Board of Control within seven days of initiation by victims;
- when appropriate, representing victims' claims at Board of Control hearings; and
- providing on-going liaison services between claimants and the Board of Control.

Centers must obtain comprehensive and specialized training for staff in Board of Control procedures regarding the completion and verification of Victim of Crime claims. It is expected that such training will enable local centers to better advise victims on the merits of their claims and facilitate the submission of claims to the Board of Control.

In counties where a Board of Control contract funds the establishment of local verification units, intake and referral procedures to those units are sufficient for program compliance. Since a center's staff is relieved of this objective, the center must increase its remaining mandatory services. Increases will be reviewed and approved by OCJP on a case-by-case basis, prior to approving the funding application.

f) Property Return

Upon request, centers must assist in obtaining the early return of a victim's property held as evidenced by a law enforcement agency by interceding with those agencies administering property return.

g) Orientation to the Criminal Justice System

Upon request or as needed, centers must provide victims and witnesses with brochures and other printed or verbal information on the location, procedures, and functioning of the local criminal justice system. Centers are to have available printed information in languages appropriate to local ethnic or language needs.

As necessary, center staff must provide information to victims and witnesses directed toward relieving anxiety and confusion concerning the criminal justice process.

PRIORITY OF SERVICE TO BE GIVEN TO VICTIMS.

h) Court Assistance/Support

Through reception and guidance, centers must provide information to victims/witnesses to assist them with court appearances. Centers may use staff or volunteers to maintain information desks at courthouses to provide this service.

In addition, centers must, when deemed necessary by center staff or when requested by a victim or witness, physically accompany the victim or witness to the courtroom and remain throughout their court appearance.

PRIORITY OF SERVICES TO BE GIVEN TO VICTIMS SERVING AS WITNESSES.

i) Presentations and Training for Criminal Justice and Victim Service Agencies

Centers must identify all agencies that are part of the local criminal justice system, and all other agencies likely to be a referral source or resource for victims and witnesses. Centers will hold regular educational sessions with these identified agencies tailored to the characteristics of each agency. These sessions will enhance cooperation between agencies, provide a forum for the exchange of information, inform agencies of the rights and needs of victims, and describe services available through the local victim/witness assistance center.

j) Public Presentations and Publicity

Centers must promote public awareness of their services through the use of public media (e.g., newspapers, radio, television) and presentations to community groups, service clubs and schools.

k) Case Disposition/Case Status

Upon request, centers must keep victims assisted by the center apprised of any significant developments in the investigation and prosecution of the case in which they are involved.

Upon request, within thirty (30) working days of the disposition of a case, centers must inform all witnesses and victims assisted by the center of the disposition of the case in which they are involved. "Disposition" means the judgment on prosecuted charges, the defendant's guilty plea, dismissal of the charges, or 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, upon request, centers must inform them of appeals made in the case by defendants.

l) Notify Friends and Relatives

Upon request, centers must notify a victim's relatives and friends regarding the occurrence of a crime and the victim's condition as a result of that crime.

This may also involve death notifications and appropriate support services to the deceased victim's immediate family and friends. Death notifications must be done on-site at the relative's or friend's residence, place of work, or other location as necessary. Death notifications must be coordinated with the Coroner's Office and the appropriate law enforcement agency.

m) Employer Intervention

Upon request, centers must notify an employer of a victim or witness in the following circumstances:

- to inform an employer that a crime was committed against an employee and the condition of the employee as a result of the crime;
- to intercede with an employer on the victim's behalf, to minimize any loss of pay or other benefits, where the occurrence of the crime has caused or will cause an employee to lose time from work; or
- to notify an employer that an employee has been or will be called upon by the court to serve as a witness and intercede to minimize any loss of pay or other benefits when participation in the criminal

justice system causes an employee to lose time from work.

3. Optional Services

The following optional services also may be offered by centers. "Optional" does not mean these are unimportant components of California's Victim/Witness Assistance Program. These service components are included to allow centers the latitude to develop services responsive to local needs. PROVISION OF THESE OPTIONAL SERVICES, HOWEVER, MUST NOT PRECLUDE EFFECTIVE DELIVERY OF MANDATORY SERVICES.

Each optional service component below is followed by a definition describing the suggested basic service level:

a) Creditor Intervention

Intercession on behalf of victims requesting assistance in informing creditors of their temporary inability to meet current financial obligations due to the aftermath of the crime. These financial obligations may be pre-existing debts or debts which have been incurred as a result of the crime.

b) Child Care

The direct provision by center staff, or arrangement 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.

c) Restitution

Referral of victims to criminal justice system agencies responsible for establishing and administering restitution, or direct participation of the center in the establishment and administration of restitution.

d) Witness Call-Off

Notifying witnesses of cancellations or changes in scheduled court appearances. This service component may include the development and administration by centers of an "on-call" service for witnesses.

e) Funeral Arrangements

Assisting a deceased victim's immediate family with any necessary funeral arrangements.

f) Crime Prevention Information

Providing crime prevention information to victims or any other interested persons through the use of brochures, counseling, public presentations, or referrals to appropriate criminal justice agencies.

g) Witness Protection

Arranging for law enforcement protection when a witness' safety is threatened.

A maximum of 15 percent 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 OCJP before any funds can be expended.

h) Temporary Restraining Order (TRO) Assistance

Aiding victims, witnesses, or other persons in completing the forms necessary for obtaining temporary or ex-parte restraining orders.

i) Transportation

Arranging for the provision of or directly providing emergency transportation for victims.

j) Court Waiting Area

Providing or arranging 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.

K) Victim Impact Statements

Assisting victims to exercise their rights to provide a victim impact statement for probation reports, and to attend and participate in sentencing and parole hearings.

4. Criminal Justice Victim Advocacy Services Augmentation Program Components

Current funding levels generally provide for victim/witness centers to offer assistance to victims of crime based on law enforcement reports filed and sent to the centers. While such contact is of unquestionable value and provides crucial services that may not be otherwise available, centers are not always able to offer immediate crisis

intervention services so often critical to the recovery of persons suffering from the psychological trauma of a crime.

Empirical evidence and research studies document that the adverse effects of psychological trauma are reduced if victims receive immediate intervention and emergency assistance. These same studies show victims are much more likely to report a crime, less likely to drop charges once they are initiated, and more likely to increase their cooperation with prosecutors if they experience positive contact with criminal justice personnel immediately following a crime.

Since in most cases law enforcement is the first contact a victim has with the criminal justice system, victim/witness centers must coordinate closely with law enforcement agencies to provide more immediate victim intervention and assistance.

Additional funds from the Victim/Witness Assistance Fund will allow selected Victim/Witness Assistance Centers currently receiving funding from OCJP to increase their cooperation and coordination with law enforcement to enhance existing crisis intervention services, offer critical supplemental services, and improve overall service delivery.

Centers receiving the Criminal Justice Victim Advocacy Services augmentation must meet the following service requirements and provide enhanced and expanded levels of the following selected services in addition to those mandated by Chapter 1427, Statutes of 1986 (see Appendix G):

a. Service Requirements

- 1) All victim/witness assistance center staff whose salaries are funded by the criminal justice victim advocacy component of the victim/witness program must be housed in a law enforcement agency, or perform some other extensive interaction with law enforcement, at least 50 percent of the time.
- 2) Centers must complete and submit to OCJP, MOUs with the law enforcement agency or agencies that will be cooperating in this activity. The MOUs must contain the provisions stated in the sample included in the RFP. In addition, MOUs must be submitted from all sexual assault, child abuse, and domestic violence projects in the area whether OCJP funded or not. These MOUs must contain the same level of specificity as the law enforcement sample.

b. Mandatory Services (Augmentation)

Each mandatory service component is defined below followed by a description of the basic service standard required by OCJP.

1) Crisis Intervention

By coordinating services with local law enforcement immediately after a crime incident is reported, center staff must make contact with the victim to assess his or her needs. Within eight hours of this assessment, the center must either directly provide the necessary services or arrange for the provision of services by the appropriate local agency. Crisis intervention availability must expand significantly beyond normal working hours (during documented "peak crime periods," other than Monday through Friday from 8:00 a.m. to 5:00 p.m.).

2) Emergency Assistance

Within eight hours of the crime incident report, center staff must provide or arrange for the provision of immediate necessary material needs. Centers must maintain or establish a Victim Emergency Fund to assist in this purpose. (See Emergency Assistance, page 15.)

3) Follow-up Contact

Center staff must be available to assist with follow-up contacts between law enforcement agencies and victims.

This may include accompanying a victim to law enforcement investigative interviews or assisting law enforcement agencies with particularly sensitive interviews (e.g., child abuse, sexual assault, domestic violence).

4) Notify Friends and Relatives

When requested by law enforcement, center staff must notify or assist appropriate officials in notifying a victim's relatives or friends as to the occurrence of a crime and the victim's condition. In the case of a death notification, this service must be done on-site at the relative's or friend's residence, place of work, or other location as necessary. Death notifications must be coordinated with the Coroner's Office and the appropriate law enforcement agency.

5) Crime Prevention

Center staff must coordinate with crime prevention officers to ensure that crime victims receive appropriate crime prevention information and services, and that the general public receives information about all available victim services.

This may include referring victims to the appropriate criminal justice agencies to receive crime prevention information, coordinating with crime prevention projects to provide information or make presentations on victim services at neighborhood watch meetings in the community; and providing crime prevention projects with appropriate case disposition information.

6) Training

Coordinated training sessions must be conducted between the victim/witness center and involved law enforcement agencies. These training sessions must involve cross-training activities for both agencies.

This may include training sessions conducted or coordinated (with other victim service providers) by center staff for law enforcement on various subject areas (e.g., hands on victim services involving domestic violence, child abuse, and other types of crime victims). Training sessions conducted by law enforcement for victim/witness assistance centers and other victim service providers may include crime scene procedures, self defense, law enforcement radio procedure, and other topics.

V. FUNDING GUIDELINES

A. Grant Duration

Participating centers will be funded for up to a twelve-month period.

B. Funding Guidelines

1. The amount of funds for this program are limited and the allocation plan must assure adequate funding for counties experiencing the greatest need, as measured by relative population and level of crime activity.
2. It is anticipated that state special funds will continue to be available to support Victim/Witness Assistance Centers at the local level. However, local governments also should

be encouraged to make a financial investment in them. Although local matching funds will not be required, indirect costs will be limited to ten percent of personnel salaries.

3. Counties without an OCJP-funded Victim/Witness Assistance Center, are encouraged to develop regional proposals with existing centers because they are the most cost-effective. UNTIL SUFFICIENT ADDITIONAL APPROPRIATIONS BECOME AVAILABLE, ONLY VICTIM/WITNESS ASSISTANCE CENTERS CURRENTLY FUNDED BY OCJP ARE ELIGIBLE FOR FUNDING.

OCJP has adopted an allocation plan that incorporates the provisions listed above. The allocation of available federal Victim of Crime Act (VOCA) funds and the baseline allocation for each county are listed on Table 2 in Appendix K.

C. Administrative and Equipment Costs

Administrative expenses and equipment purchases must be directly related to the provision of services and must not involve non-grant funded activities.

D. Travel

Centers are required to include travel and per diem expenses for a minimum of two staff members to attend three two and one-half OCJP-sponsored conferences or mandatory training sessions (the Governor's Conference, a Coordinator's Training Conference, and a Line Staff Training Conference).

E. Audit Requirement

Grantees are required to arrange for a financial and compliance audit of the grant award. A financial and compliance audit determines (a) whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles and (b) whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.

An amount of up to one percent of the total grant award may be budgeted to obtain the audit. Completed audit reports must be submitted to the OCJP Audits Division for review. Detailed audit information is included in the RFP.

VI. SELECTION PROCESS

OCJP has incorporated these guidelines and administrative requirements in a Reapplication Request-for-Proposals (RFP). The

Program Guidelines and the RFP are made available to OCJP funded Victim/Witness Assistance Centers.

Proposals received by OCJP will be evaluated by staff for responsiveness to these guidelines and the RFP. Recommendations will be made to the Executive Director who will make the final decisions. Specific attention will be directed to the applicant's identification of local problems, objectives, activities, and responsiveness to the eligibility criteria and program components.

VII. PROJECT STARTING DATE

Program implementation is scheduled for July 1, 1987, contingent on appropriation of funds in the 1987/88 Budget Act. All grant applications must have ending dates of June 30, 1988. Where existing centers have monies left over from the prior grant year that will carry them into the new fiscal year, the extended amount will be deducted from the new grant award so the total fiscal year allocation remains the same. In these cases, applicants may have grant awards from two fiscal years operating concurrently. When that occurs, separate records must be maintained for each grant award.

VIII. ASSESSMENT

An assessment of the statewide Victim/Witness Assistance Program will be conducted by OCJP. All projects must comply with the data collection and reporting requirements (Quarterly Progress Reports) established by OCJP that are necessary for completion of the assessment and the Annual Report. (A copy of the Quarterly Progress Report form is in Appendix L.)

IX. DOCUMENTATION OF SERVICES

OCJP requires Victim/Witness Assistance Centers to document services provided in quarterly progress reports in a manner that will allow OCJP ready access such support information during compliance monitoring visits.

Generally, services must be documented through an intake system tracking clients served. At a minimum, client and service information must be documented chronologically (when services were provided) and by the name of the individual served. Centers must provide an explanation of their documentation system within their funding proposal.

Specifically, mandatory and optional services must be documented as follows:

1. Crisis Intervention:

Service levels must be documented by intake forms completed for each victim served.

2. Emergency Assistance:

Service levels shall be documented by intake forms completed for each victim served.

3. Resource and Referral Counseling:

Service levels must be documented by intake forms completed for each victim served.

4. Follow-up Counseling:

Service levels must be documented by intake forms completed for each victim served.

5. Victim of Crime Claims:

Service levels must be documented by intake forms and separate files maintained for each claimant.

6. Property Return:

Service levels must be documented by intake forms completed for each victim served.

7. Orientation to the Criminal Justice System:

Service levels must be documented by numbers of brochures distributed; log sheets; or intake forms (where applicable).

8. Court Assistance/Support:

Service levels must be documented by log sheets or intake forms completed for each victim or witness served (where applicable).

9. Presentations and Training for Criminal Justice and Victim Service Agencies:

Service levels must be documented by presentation contact forms noting who spoke on what topic, when, and to whom, and how many people attended.

10. Public Presentations and Publicity:

Service levels must be documented by presentation contact forms noting who spoke, on what topic, when, and to whom, and how many people attended; or by logs of newspaper articles, and print, radio, and television public service announcements.

11. Case Disposition/Case Status:

Service levels must be documented by log sheets. Disposition notification statistics must be kept separately from case status statistics.

12. Notify Friends and Relatives:

Service levels must be documented by intake forms completed for each victim served.

13. Employer Intervention:

Service levels must be documented by intake forms completed for each victim served.

OPTIONAL

1. Creditor Intervention

Service levels must be documented by intake forms completed for each victim served.

2. Child Care:

Service levels must be documented by intake forms completed for each victim served or log sheets for care arranged or provided.

3. Restitution:

Service levels must be documented by intake forms completed for each victim served.

4. Witness Call-Off:

Service levels must be documented by log sheets or maintenance of daily witness lists.

5. Funeral Arrangements:

Service levels must be documented by intake forms completed for each victim served.

6. Crime Prevention Information:

Service levels must be documented by numbers of brochures distributed; referral log sheets; or intake forms (where applicable).

7. Witness Protection:

Service levels must be documented by intake forms or separate files.

8. Temporary Restraining Orders:

Service levels must be documented by intake forms completed for each victim served.

9. Transportation:

Service levels must be documented by intake forms completed for each victim served.

10. Court Waiting Rooms:

Service levels must be documented by logsheets and the physical instance of a room established to provide this service.

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.

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.

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.

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

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

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

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

imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

SEC. 131. Section 8665 of the Government Code is amended to read:

8665. Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

SEC. 132. Section 9056 of the Government Code is amended to read:

9056. Any person who shall secure through his influence, knowingly exerted for that purpose, the introduction of any bill, resolution or amendment into the State Legislature and shall thereafter solicit or accept from any person other than a person upon whose request he secured such introduction, any pay, or other valuable consideration for preventing or attempting to prevent, the enactment or adoption of such measure, while it retains its original purpose, shall be guilty of a crime and upon conviction thereof shall be punishable by a fine of not exceeding ten thousand dollars (\$10,000) or by imprisonment in the county jail for not more than one year or in the state prison, or by both such fine and imprisonment.

SEC. 133. Section 12975 of the Government Code is amended to read:

12975. Any person who shall willfully resist, prevent, impede or interfere with any member of the department or the commission or any of its agents or employees in the performance of duties pursuant to the provisions of this part relating to employment discrimination, or who shall in any manner willfully violate an order of the commission relating to such matter, is guilty of a misdemeanor, punishable by imprisonment in a county jail, not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both.

SEC. 134. Section 12976 of the Government Code is amended to read:

12976. Any person who willfully violates Section 12946 concerning recordkeeping is guilty of a misdemeanor, punishable by imprisonment in a county jail, not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both.

SEC. 135. Section 13959 of the Government Code is amended to read:

13959. It is in the public interest to assist residents of the State of California in obtaining restitution for the pecuniary losses they suffer as a direct result of criminal acts. This article shall govern the

procedure by which crime victims may obtain restitution through compensation from the Restitution Fund.

SEC. 135.1. Section 13960.1 is added to the Government Code, to read:

13960.1. The Indemnity Fund is hereby renamed the Restitution Fund. All existing statutory references to the Indemnity Fund shall hereafter be considered references to the Restitution Fund.

SEC. 135.2. 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 a restitution fine in the form of a penalty assessment in accordance with Section 1464 of the Penal Code. 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.

(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. 135.3. Section 13969 of the Government Code is amended to read:

13969. Claims under this article shall be paid from the Restitution Fund.

SEC. 135.4. Section 15619 of the Government Code is amended to read:

15619. Any member or ex-member of the State Board of Equalization, or any agent employed by it, or the Controller, or ex-Controller, or any person employed by him, or any person who has at any time obtained such knowledge from any of the foregoing officers or persons shall not divulge or make known in any manner not provided by law, any of the following items of information concerning the business affairs of companies reporting to the board:

Assembly Bill No. 2779

CHAPTER 1427

An act to amend Sections 11116.10 and 13835.5 of, and to add Title 17 (commencing with Section 679) to Part 1 of, the Penal Code, relating to crime.

[Approved by Governor September 30, 1986. Filed with Secretary of State September 30, 1986.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2779, Calderon. Victims and witnesses.

(1) Under existing law, various statutes and constitutional provisions enumerate the rights of victims and witnesses to crimes.

This bill would set forth certain of those rights. It would also add the additional right of a victim or witness to be notified as soon as feasible that a court proceeding to which he or she has been subpoenaed will not proceed as scheduled, if the prosecuting attorney determines that the witness' appearance is not required, and the right to an expeditious disposition of the criminal action.

The bill additionally would require the rights of victims and witnesses to be set forth in the information and educational materials prepared by the Victims' Legal Resource Center. The bill would also require the center to distribute the materials to local law enforcement agencies and local victims' programs. It would create a state-mandated local program by requiring local law enforcement agencies to make available copies of the materials to victims and families.

(2) Under existing law, upon the request of a victim of a crime, the prosecuting attorney shall, inform the victim by letter of the final disposition of a criminal action.

This bill would grant the same right to be informed of the final disposition of a criminal action to the witness, as defined, of a crime. It would thus create a state-mandated local program by increasing the level of service required of local government under an existing program.

(3) Existing law provides that 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 meet certain requirements. Among other things, an agency receiving funds must provide comprehensive services which include certain required primary services and may provide certain optional services. Among these optional services is the service of assistance in obtaining the return of a victim's property.

This bill would make the above optional service a mandatory primary service. The bill would add to the mandatory primary

service the duty of notifying the employer of the victim or witness, if so requested, informing the employer of certain matters, thus creating a state-mandated local program. It would also add as an optional service the provision of a waiting area during court proceedings separate from defendants and families and friends of defendants.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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

SECTION 1. Title 17 (commencing with Section 679) is added to Part 1 of the Penal Code, to read:

TITLE 17. RIGHTS OF VICTIMS AND WITNESSES OF CRIME

679. In recognition of the civil and moral duty of victims and witnesses of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of this citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the Legislature declares its intent, in the enactment of this title, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity. It is the further intent that the rights enumerated in Section 679.02 relating to victims and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants. It is the intent of the Legislature to add to Section 679.02 references to new rights as or as soon after they are created. The failure to enumerate in that section a right which is enumerated elsewhere in the law shall not be deemed to diminish the importance or enforceability of that right.

679.01. As used in this title, the following definitions shall control:

(a) "Crime" means an act committed in this state which, if committed by a competent adult, would constitute a misdemeanor or felony.

(b) "Victim" means a person against whom a crime has been committed.

(c) "Witness" means any person who has been or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.

679.02. (a) The following are hereby established as the statutory rights of victims and witnesses of crimes:

(1) To be notified as soon as feasible that a court proceeding to which he or she has been subpoenaed as a witness will not proceed as scheduled, provided the prosecuting attorney determines that the witness' attendance is not required.

(2) Upon request of the victim or a witness, to be informed by the prosecuting attorney of the final disposition of the case, as provided by Section 11116.10.

(3) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all sentencing proceedings, and of the right to appear, to reasonably express his or her views, and to have the court consider his or her statements, as provided by Section 1191.1.

(4) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all juvenile disposition hearings in which the alleged act would have been a felony if committed by an adult, and of the right to attend and to express his or her views, as provided by Section 656.2 of the Welfare and Institutions Code.

(5) Upon request by the victim or the next of kin of the victim if the victim has died, to be notified of any parole eligibility hearing and of the right to appear, to reasonably express his or her views, and to have his or her statements considered, as provided by Section 3043 of this code and by Section 1767 of the Welfare and Institutions Code.

(6) Upon request by the victim or the next of kin of the victim if the crime was a homicide, to be notified of an inmate's placement in a reentry or work furlough program, or notified of the inmate's escape as provided by Section 11155.

(7) To be notified that he or she may be entitled to witness fees and mileage, as provided by Section 1329.1.

(8) For the victim, to be provided with information concerning the victim's right to civil recovery and the opportunity to be compensated from the Restitution Fund pursuant to Chapter 5 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code and Section 1191.2 of this code.

(9) To the expeditious return of his or her property which has allegedly been stolen or embezzled, when it is no longer needed as evidence, as provided by Chapter 12 (commencing with Section 1407) and Chapter 13 (commencing with Section 1417) of Title 10 of Part 2.

(10) To an expeditious disposition of the criminal action.

Nothing in this paragraph is intended to affect the right of the people and the defendant to an expeditious disposition as provided in Section 1050.

(b) The rights set forth in subdivision (a) shall be set forth in the information and educational materials prepared pursuant to Section 13897.1. The information and educational materials shall be distributed to local law enforcement agencies and local victims' programs by the Victims' Legal Resource Center established pursuant to Chapter 11 (commencing with Section 13897) of Title 6 of Part 4.

(c) Local law enforcement agencies shall make available copies of the materials described in subdivision (b) to victims and witnesses.

(d) Nothing in this section is intended to affect the rights and services provided to victims and witnesses by the local assistance centers for victims and witnesses.

SEC. 2. Section 11116.10 of the Penal Code is amended to read:

11116.10. (a) Upon the request of a victim or a witness of a crime, the prosecuting attorney shall, within 60 days of the final disposition of the case, inform the victim or witness by letter of such final disposition. Such notice shall state the information described in Section 13151.1.

(b) As used in this section, "victim" means any person alleged or found, upon the record, to have sustained physical or financial injury to person or property as a direct result of the crime charged.

(c) As used in this section, "witness" means any person who has been or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.

(d) As used in this section, "final disposition," means an ultimate termination of the case at the trial level including, but not limited to, dismissal, acquittal, or imposition of sentence by the court, or a decision by the prosecuting attorney, for whatever reason, not to file the case.

(e) Subdivision (a) does not apply in any case where the offender or alleged offender is a minor unless the minor has been declared not a fit and proper subject to be dealt with under the juvenile court law.

(f) This section shall not apply to any case in which a disposition was made prior to the effective date of this section.

SEC. 3. Section 13835.5 of the Penal Code is amended to read:

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) Assistance in obtaining the return of a victim's property held as evidence by law enforcement agencies, if requested.

(7) Orientation to the criminal justice system.

(8) Court escort.

(9) Presentations to and training of criminal justice system agencies.

(10) Public presentations and publicity.

(11) Monitoring appropriate court cases to keep victims and witnesses apprised of the progress and outcome of their case.

(12) Notification to friends, relatives, and employers of the occurrence of the crime and the victim's condition, upon request of the victim.

(13) Notification to the employer of the victim or witness, if requested by the victim or witness, informing the employer that the employee was a victim of or witness to a crime and asking the employer to minimize any loss of pay or other benefits which may result because of the crime or the employee's participation in the criminal justice system.

(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) Notification to witnesses of any change in the court calendar.

(6) Funeral arrangements.

(7) Crime prevention information.

(8) Witness protection, including arranging for law enforcement protection or relocating witnesses in new residences.

(9) Assistance in obtaining temporary restraining orders.

(10) Transportation.

(11) Provision of a waiting area during court proceedings separate from defendants and families and friends of defendants.

SEC. 4. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

PENAL CODE

§ 13835

**CHAPTER 4. CRIMINAL JUSTICE PLANNING COMMITTEE FOR STATE
JUDICIAL SYSTEM**

Article	Section
2. Local Assistance Centers for Victims and Witnesses [New]	13835

ARTICLE 2. LOCAL ASSISTANCE CENTERS FOR VICTIMS AND WITNESSES [NEW]

Sec.

13835. Legislative findings; declaration and intent.
 13835.2. Funds available and awarded to public and private nonprofit agencies; report to legislature.
 13835.4. Activities in connection with primary and optional services.
 13835.5. Primary and optional services.
 13835.6. Standards for activities and services; effectiveness of centers; report to legislature.
 13835.7. Victim-witness assistance fund; legislative intent; transfer of funds.

Article 2 was added by Stats.1983, c. 1312, p. —, § 2.

Former Article 2 was repealed by Stats.1983, c. 1312, p. —, § 1.

§ 13835. Legislative findings, declaration and intent

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.

(Added by Stats.1983, c. 1312, p. —, § 2.)

§ 13835.2. Funds available and awarded to public and private nonprofit agencies; report to legislature

(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.

(Added by Stats.1983, c. 1312, p. —, § 3.)

§ 13835.4. Activities in connection with primary and optional services.

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.

(Added by Stats.1983, c. 1312, p. —, § 2.)

§ 13835.5. Primary and optional services

(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.

(Added by Stats.1983, c. 1312, p. —, § 2.)

§ 13835.6. Standards for activities and services; effectiveness of centers; report to legislature

(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.

(Added by Stats.1983, c. 1312, p. —, § 2.)

§ 13835.7. Victim-witness assistance fund; legislative intent; transfer of funds

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.

(Added by Stats.1983, c. 1312, p. —, § 4.)

§§ 13835.8, 13835.9. Repealed by Stats.1983, c. 1312, p. —, § 1

See, now, § 13835.6.

CHAPTER 5. INDEMNIFICATION OF PRIVATE CITIZENS

ARTICLE 1. VICTIMS OF CRIME

Section

- 13960.1. Indemnity fund renamed restitution fund; construction of statutory references.
 13961.1. Emergency award procedures; duration of section.
 13965. Types of assistance; duration of section.
 13967.5. Persons to whom payable; failure to pay; forwarding abstract of judgment and information; action to recover.
 13968.1. Examination of sexual assault victims; costs.

§ 13959. Declaration of public interest; application of article

It is in the public interest to * * * assist * * * residents of the State of California in obtaining restitution for the pecuniary losses they suffer as a direct result of criminal acts. This article shall govern the procedure by which crime victims may obtain restitution through compensation from the Restitution Fund.

(Amended by Stats.1982, c. 1378, p. 5263, § 1, urgency, eff. Sept. 24, 1982; Stats.1983, c. 1092, p. —, § 135, urgency, eff. Sept. 27, 1983, operative Jan. 1, 1984.)

1982 Amendment. Deleted "which they are unable to recoup without suffering serious financial hardship" from the end of the section (see 1983 amendment note).

1983 Amendment. Rewrote the section, which previously read:

"It is in the public interest to indemnify and assist in the rehabilitation of those residents of the State of California who as the direct result of a crime suffer a pecuniary loss."

Law Review Commentaries

California's approach to third party liability for criminal violence. (1980) 13 Loyola L.Rev. (Calif.) 535.

Notes of Decisions

1. In general

The state is not responsible for a proportionate share of attorney fees and costs for legal proceedings in which the state recovers money through a lien under § 13966 when the crime victim/claimant is the active litigant responsible for the recovery. 64 Ops.Atty.Gen. 540, 7-3-81.

§ 13960. Definitions

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. (Amended by Stats.1982, c. 53, p. 156, § 1, urgency, eff. Feb. 18, 1982; Stats.1983, c. 1310, p. —, § 1; Stats.1984, c. 974, p. —, § 1.)

1982 Legislation.

Section 45 of Stats.1982, c. 53, p. 180, provides:

"(a) The provisions of Sections 2, 6, 7, and 10 of the Vehicle Code expressly apply to the provisions of this act, and, further, reference to an offense by section number is a reference to the provisions contained in that section, insofar as they are renumbered without substantive change by Chapter 939, 940, or 941 of the Statutes of 1981 or this act, and those provisions shall be construed as restatements and continuations thereof and not as new enactments.

"(b) Any reference in the provisions of the Vehicle Code to a prior offense of Section 23152 shall include a prior offense under Section 23102 or 23105, as those sections read prior to January 1, 1982.

"(c) Any reference in the provisions of the Vehicle Code to a prior offense of Section 23153 shall include a prior offense under Section 23101 or 23106 as those sections read prior to January 1, 1982.

"(d) The provisions of this section are declaratory of existing law."

§ 13960.1. Indemnity fund renamed restitution fund; construction of statutory references

The Indemnity Fund is hereby renamed the Restitution Fund. All existing statutory references to the Indemnity Fund shall hereafter be considered references to the Restitution Fund.

(Added by Stats.1983, c. 1092, p. —, § 135.1, urgency, eff. Sept. 27, 1983, operative Jan. 1, 1984.)

Library References

Criminal Law §1220.

C.J.S. Criminal Law § 2007.

§ 13961. Application for assistance

(a) A victim of a crime . . . may file an application for assistance with the board . . .

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

(1) The eligibility of applicants, the types of claims covered and the maximum amount payable for such claims.

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

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

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

(c) The period prescribed for the filing of an application for assistance shall be one year after the date of the crime, unless an extension is granted by the board, except that such period may be extended by the board . . . for good cause shown by the victim.

(d) The application for assistance shall be verified and shall contain the following:

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

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

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

(4) An authorization permitting the board or a local victim center, or both, to verify the contents of the application.

(5) Such other information as the board may require.

(Amended by Stats. 1983, c. 601, p. —, § 1; Stats. 1983, c. 1310, p. —, § 2.)

1983 Amendments. Deleted, from subd. (a), "of violence" after "crime"; deleted, from the end of subd. (a), "provided that the victim was a resident of California at the time the crime was committed and either"; deleted subds. (a)(1) and (a)(2); rewrote subd. (b); added subd. (b)(4); substituted, in subd. (c), "the board" for "the State Board of Control"; substituted, in subd. (d)(2), "will be indemnified" for "may be indemnified"; and substituted, in subd. (d)(4), "the board or a local victim center, or both" for "the State Board of Control".

Cross References

Effect of amendment of section by two or more acts at the same session of the legislature, see Government Code § 9605.

Notes of Decisions

1. Validity

Ostrager v. State Bd. of Control (1979) 160 Cal.Rptr. 317, 99 C.A.3d 1 [main volume] appeal dismissed 101 S.Ct. 53, 449 U.S. 807, 66 L.Ed.2d 10.

3. Residency requirement

Ostrager v. State Bd. of Control (1979) 160 Cal.Rptr. 317, 99 C.A.3d 1 [main volume] appeal dismissed 101 S.Ct. 53, 449 U.S. 807, 66 L.Ed.2d 10.

In respect to the definition of "resident of California" as used in the Victims of Violent Crimes Act (§ 13959 et seq.), addition by the state board of control of the word "lawful", as a modifier of the term "resident of California" for purposes of determining eligibility for compensation under the Act was clearly unwarranted, and thus two persons who entered United States illegally from Mexico, but who had lived and were employed in California for period of several years, and who were not under federal deportation order, were "residents of California" for purposes of Act. Cabral v. State Bd. of Control (1980) 169 Cal.Rptr. 604, 112 C.A.3d 1012.

§ 13961.1. Emergency award procedure

(a) An emergency award shall be available for a victim of a crime of violence if, as a result of the crime, the victim incurs loss of his or her income or support.

(b) Emergency award application forms shall be provided by the State Board of Control upon request of the applicant. The board shall make available such application forms through all means at its disposal.

(c) The board may grant an emergency award based solely on the application of the victim. Disbursements of emergency awards funds shall be made within 30 business days of application. The board may refuse to grant an emergency award where it has reason to believe that the applicant will not qualify for an award for assistance under this article. The board may delegate authority to designated staff persons, who will use guidelines established by the board, to grant emergency awards.

(d) If the applicant does not complete the application for a grant or, if, upon final disposition of the victim's claim under this article, it is found that the victim is not eligible for assistance from the board, the victim shall reimburse the board for the emergency award pursuant to an agreed upon repayment schedule. If upon final disposition of the victim's application, the board grants assistance to the claimant, the amount of the emergency award shall be deducted from the final award of compensation granted to the victim; and, if the amount of the grant is less than the amount of the emergency award, the excess amount shall be repaid according to an agreed upon repayment schedule. Final disposition for the purposes of this section shall mean the final decision of the board with respect to the victim's application for assistance, before any appellate action is instituted.

(e) The amount of the emergency award shall be dependent upon the immediate needs of the victim, as evidenced by the victim's loss of income or support and losses incurred as a direct result of the crime before filing or reasonably anticipated during the first 90 days after the initial filing of an application. In no event shall the amount of the emergency award exceed one thousand dollars (\$1,000).

(f) The emergency award application shall require only the following:

(1) The name, address, and telephone number of the victim.

(2) A brief description of the nature and circumstances of the crime, including the date and location.

(3) The date the crime was reported to a law enforcement agency and the name and address of such agency.

(4) The name, address, and telephone number of the employer or self-employing entity, the loss of income or support to date and estimate of future loss.

(5) The name, address, and telephone number of medical providers and the cost of medical care incurred to date.

(6) A listing of creditors by name, address, and amount of debts, of whom applicant wishes the board to request forbearance of collections.

(7) A statement that in the event the victim is denied assistance under this article or the final award is less than the emergency award, the applicant will be required to repay the excess amount.

(8) The applicant's signature and a statement that the victim was a resident of the state on the date of the crime and that the information is supplied under penalty of perjury, violation of which is punishable by six months in the county jail.

§ 13961.2. Payment of emergency awards; limitation

A sum not to exceed 15 percent of the amount appropriated annually to pay victims of crimes * * * may be withdrawn from the Restitution Fund, to be used as a revolving fund by the board * * * for the payment of emergency awards made pursuant to Section 13961.1.

(Amended by Stats.1983, c. 1310, p. —, § 4.)

§ 13961.3. Victim compensation form committee; membership

A Victim Compensation Form Committee shall be established by the board to develop or revise, or both, the application form described in this article. The committee shall consist of one representative from and appointed by the board and two representatives from local victim centers appointed by the executive director of the Office of Criminal Justice Planning.

(Amended by Stats.1983, c. 1310, p. —, § 5.)

§ 13961.5. Renumbered § 13968.1 and amended by Stats.1983, c. 1310, p. —, § 6**§ 13962. Review, verification, and consideration of application**

(a) The staff of the board shall appoint a clerk to review all applications for assistance in order to insure that they are complete. If the application is not complete, it shall be returned to the victim with a brief statement of the additional information required. The victim, within 30 days of receipt thereof, may either supply the additional information or appeal such action to the board which shall review the application to determine whether or not it is complete.

(b) If the application is accepted, it shall be verified promptly * * * by the staff of the board * * *. The verification process shall include sending supplemental forms to all hospitals, physicians, law enforcement officials and other interested parties involved, verifying the treatment of the victim, circumstances of the crime, amounts paid or received by or for the victim and other pertinent information as may be deemed necessary by the board. Verification forms shall be provided by the board and shall be returned to the board within 10 business days. The board shall include on the verification forms reference to this section with respect to the prompt return of the verification forms. The board, thereupon, shall consider the application at a hearing at a time and place of its choosing. The board shall notify all interested persons not less than five days prior to the date of the hearing. If the application is accepted by the board as fully verified, the board shall process the claim within 90 days, including payment on an approved claim.

(c) The victim shall cooperate with the staff of the board or the local victim center in the verification of the information contained in the application. Failure * * * to cooperate shall be reported to the board, which, in its discretion, may reject the application on this ground alone.

(d) Hearings shall be held in various locations with the frequency necessary to provide for the speedy adjudication of the applications. If the applicant's presence is required at the hearing, the board shall consider convenience to the applicant in scheduling the locations. If necessary, the board shall delegate the hearing of applications to hearing examiners.

(e) Designated local victim centers shall be authorized to verify claims processed by such centers pursuant to conditions stated in subdivision (b).

(Amended by Stats.1983, c. 1310, p. —, § 7.)

§ 13962.5. Training sessions for local center personnel; standardized verification procedures for local victim centers; cooperation

(a) The board and its staff shall cooperate with the Office of Criminal Justice Planning and such local victim centers as specified in Section 13835.2 of the Penal Code, in conducting training sessions for local center personnel and shall cooperate in the development of standardized verification procedures to be used by the local victim centers in the state.

(b) The board and its staff shall cooperate with local victim centers in disseminating standardized board policies and findings as they relate to the local centers.

(Amended by Stats.1983, c. 1310, p. —, § 8.)

§ 13963. Hearing

(a) At the hearing, the board shall:

(1) Instruct its staff, prior to the start of the proceedings, to brief those claimants present on the rules, regulations and any other procedures and guidelines used by the board at such hearings.

(2) Review the application for assistance and the report prepared thereon and any other evidence obtained as a result of the verification.

(3) Receive such other evidence as the board finds necessary or desirable properly to evaluate the application.

(b) If the victim or the victim's representative chooses not to appear at the hearing, the board may act solely upon the application for assistance, the staff's report, and such other evidence as appears in the record.

(Amended by Stats.1983, c. 1310, p. —, § 9.)

§ 13964. Approval of application; ineligibility for assistance; criminal complaint; death of applicant

(a) After having heard the evidence relevant to the application for assistance, the board shall approve the application if a preponderance of the evidence shows that as a direct result of the crime the victim incurred an injury which resulted in a pecuniary loss * * *.

(b) An application for assistance may be denied, in whole or in part, if * * * the board finds that denial is appropriate because of the nature of the victim's involvement in the events leading to the crime or the involvement of the persons whose injury or death give rise to the application * * *.

(c) No victim shall be eligible for assistance under the provisions of this article under any of the following circumstances:

(1) The board finds that the victim or the person whose injury or death gave rise to the application knowingly and willingly participated in the commission of the crime * * *.

(2) The victim or the person whose injury or death gave rise to the application failed to cooperate with a law enforcement agency in the apprehension and conviction of a criminal committing the crime.

GOVERNMENT CODE

(d) No application shall be denied solely because no criminal complaint has been filed, unless the complaint has not been filed for one of the reasons stated in subdivision (b) or (c). Moreover, no application shall be denied because a criminal complaint is filed, but later dismissed, if the dismissal is not for the reasons stated in subdivision (b) or (c).

(e) Once an application has been accepted by the board pursuant to subdivision (b) of Section 13962, as the application pertains to medical or medical-related expenses, the claim shall continue to be processed and either awarded or denied pursuant to the provisions of this article in the event of the death of the applicant.

(Amended by Stats.1982, c. 1378, p. 5261, § 2, urgency, eff. Sept. 24, 1982; Stats.1983, c. 1310, p. —, § 10.)

§ 13965. Types of assistance

(a) If the application for assistance is approved, the board shall determine what type of state assistance will best aid the victim. The board may take any or all of the following actions:

(1) Authorize a cash payment to or on behalf of the victim equal to the pecuniary loss attributable to medical or medical-related expenses directly resulting from the injury but not to exceed ten thousand dollars (\$10,000);

(2) Authorize a cash payment to the victim equal to the pecuniary loss resulting from loss of wages or support directly resulting from the injury, but not to exceed ten thousand dollars (\$10,000);

(3) Authorize cash payments not to exceed three thousand dollars (\$3,000) to or on behalf of the victim for job training or similar employment-oriented rehabilitative services.

(b) Assistance granted pursuant to this article shall not disqualify an otherwise eligible victim from participation in any other public assistance program.

Cash payments made pursuant to this article may be on a one-time or periodic basis. If periodic, the board may increase, reduce, or terminate the amount of assistance according to need, subject to the maximum limits provided in paragraphs (1), (2), and (3) of subdivision (a).

(c) The board may also authorize payment of attorney's fees representing the reasonable value of legal services rendered to the applicant, but not to exceed 10 percent of the amount of the award, or five hundred dollars (\$500), whichever is less.

No attorney shall charge, demand, receive, or collect any amount for services rendered in connection with any proceedings under this article except as awarded under this section.

(d) The maximum cash payments authorized in paragraphs (1) and (2) of subdivision (a) shall be increased to twenty thousand dollars (\$20,000) and the attorney's fees authorized in subdivision (c) of this section shall be increased to five thousand dollars (\$5,000) and one thousand dollars (\$1,000), respectively, if federal funds for such increases are available.

(Added by Stats.1981, c. 1084, p. 4180, § 4, operative Jan. 1, 1985.)

§ 13966. Subrogation; lien; disposition of proceeds

(a) The State of California shall be subrogated to the rights of the victim to whom cash payments are granted to the extent of the cash payments granted, less the amount of any fine imposed by the court on the perpetrator of the crime. Such subrogation rights shall be against the perpetrator of the crime or any person liable for the pecuniary loss.

(b) The state also shall be entitled to a lien on the judgment, award, or settlement, in the amount of such cash payments on any recovery made by or on behalf of the victim. The state may recover this amount in a separate action, or may intervene in an action brought by or on behalf of the victim. If a claim is filed within one year of the date of recovery, the state shall pay 25 percent of the amount of the recovery which is subject to a lien on the judgment, award, or settlement, to the county probation department or the victim responsible for recovery thereof from the perpetrator of the crime, provided the total amount of the lien is recovered. The remaining 75 percent of the amount and any amount not claimed within one year pursuant to this section, shall be deposited in the Indemnity Fund.

(c) The board may compromise or settle and release any lien pursuant to this article if it is found that such action is in the best interest of the state or the collection would cause undue hardship upon the victim.

(d) In the event that the victim, his guardian, personal representative, estate, or survivors, or any of them, bring an action for damages against the person or persons liable for the injury or death giving rise to an award by the board under this article, notice of institution of legal proceedings, notice of settlement and all other notices required to be given to the judgment debtor pursuant to Chapters 1 (commencing with Section 681) and 2 (commencing with Section 714) of Title 9 of Part 2 of the Code of Civil Procedure, shall be given to the board in Sacramento except in cases where the board specifies that notice shall be given to the Attorney General. All such notices shall be given by the attorney employed to bring the action for damages or by the victim, his guardian, personal representative, estate, or survivors, if no attorney is employed.

(Added by Stats.1973, c. 1144, p. 2351, § 2, operative July 1, 1974. Amended by Stats.1976, c. 661, p. 1631, § 1; Stats.1977, c. 521, p. 1665, § 4; Stats.1980, c. 1370, § 4.1, urgency, eff. Oct. 1, 1980.)

§ 13967. Restitution fine; imposition; deposit; appropriation

(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.

(Amended by Stats.1981, c. 102, p. 710, § 54, urgency, eff. June 28, 1981; Stats.1981, c. 166, p. 967, § 3, urgency, eff. July 12, 1981; Stats.1983, c. 1092, p. —, § 135.2, urgency, eff. Sept. 27, 1983, operative Jan. 1, 1984; Stats.1984, c. 1340, p. —, § 1.)

§ 13967.5. Persons to whom payable; failure to pay; forwarding abstract of judgment and information; action to recover

(a) The restitution fine imposed pursuant to subdivision (a) of Section 13967 shall be payable to the clerk of the court, the judge if there be no clerk at the time of judgment, the probation officer, or any other person responsible for the collection of criminal fines. If the defendant is unable or otherwise fails to pay such fine in a felony case and there is an amount unpaid of one thousand dollars (\$1,000) or more within 60 days after the imposition of sentence, or in a case in which probation is granted, within the period of probation, the clerk of the court, probation officer, or other person to whom the fine is to be paid shall forward to the Controller the abstract of judgment along with such information which may be relevant to the present and future location of the defendant and his or her assets, if any, and any verifiable amount which the defendant may have paid to the victim as a result of the crime.

(b) A restitution fine shall be deemed a debt of the defendant owing to the state for the purposes of Sections 12418 and 12419.5 of the Government Code, excepting any amounts the defendant has paid to the victim as a result of the crime. Upon request by the Controller, the district attorney of a county or the Attorney General may take any necessary action to recover amounts owing on a restitution fine. The amount of the recovery shall be increased by a sum sufficient to cover any costs incurred by any state or local agency in the administration of this section. The remedies provided by this subdivision are in addition to any other remedies provided by law for the enforcement of a judgment.

(Added by Stats.1983, c. 954, p. —, § 1.)

§ 13968. Rules and regulations; notice of provisions of chapter; reports and information

(a) The board * * * is hereby authorized to make all needful rules and regulations consistent with the law for the purposes of carrying into effect the provisions of this article.

(b) It shall be the duty of every hospital licensed under the laws of this state to display prominently in its emergency room posters giving notification of the existence and general provisions of this chapter, and the existence and locations of local victim centers. The board, in cooperation with local victim centers, shall set standards for the location of such a display and shall provide posters, application forms, and general information regarding the provisions of this chapter to each hospital and physician licensed to practice in the State of California.

(c) It shall be the duty of every local law enforcement agency to inform victims of * * * crimes of the provisions of this chapter, of the existence of local victim centers, and in counties where no local victim center exists, to provide application forms to victims who desire to seek assistance pursuant to this article. The board shall provide application forms and all other documents which local law enforcement agencies and victim centers may require to comply with this section. The board, in cooperation with local victim centers shall set standards to be followed by local law enforcement agencies for this purpose and may require them to file with the board a description of the procedures adopted by each agency to comply.

(d) Notwithstanding any other provision of law, every law enforcement agency in the state shall provide to the board or to the designated local victim centers, upon request, a complete copy of the report regarding the incident and any supplemental reports involving the crime, public offense, or incident giving rise to a claim, for the specific purpose of the submission of a claim or the determination of eligibility to submit a claim filed pursuant to this article.

(e) The law enforcement agency supplying the information may, at its discretion, withhold the names of witnesses or informants from the board, if the release of such names would be detrimental to the parties or to an investigation currently in progress.

(f) Notwithstanding any other provision of law, every state agency, department, division, board, or commission, upon receipt of a copy of a release signed in accordance with the Information Practices Act of 1977 by the applicant or other authorized representative, shall provide to the board or local victim center the information necessary to complete the verification of an application filed pursuant to this article.

(Amended by Stats.1983, c. 1310, p. —, § 12.)

§ 13968.1. Examination of sexual assault victims; costs

No costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sexual assault, when such an examination is performed for the purposes of gathering evidence for possible prosecution, shall be charged directly or indirectly to the victim of such assault. Those costs shall be treated as local costs and charged to the appropriate local governmental agency as follows:

(a) If the treatment or services are provided at a county or city hospital, or hospital district facility, the county shall pay the expenses.

(b) If the treatment or services are performed at a private hospital, the expenses shall be paid by the local governmental agency in whose jurisdiction the alleged offense was committed.

(Formerly § 13961.5, added by Stats.1974, c. 1091, p. 2319, § 1. Renumbered § 13968.1 and amended by Stats.1983, c. 1310, p.—, § 6.)

§ 13969. Payment of claims

Claims under this article shall be paid from the Restitution Fund.

(Amended by Stats.1983, c. 1092, p.—, § 135.3, urgency, eff. Sept. 27, 1983, operative Jan. 1, 1984.)

§ 13969.1. Decisions of board; notice; reconsideration; mandamus petitions; time

(a) The decisions of the board shall be in writing. Copies of the decisions shall be delivered to the applicant or to his representative personally or sent to them by mail.

(b) The board itself may order a reconsideration of all or part of the application for assistance on its own motion or on written request of the applicant or his representative. The board may not grant more than one such request on any application for assistance. The board shall not consider any such request filed with the board more than 30 days after the personal delivery or 60 days after the mailing of the original decision.

(c) Judicial review of a final decision made pursuant to this article may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. The right to petition shall not be affected by the failure to seek reconsideration before the board. Such petition shall be filed as follows:

(1) Where no request for reconsideration is made, within 30 days of personal delivery or within 60 days of the mailing of the board's decision on the application for assistance.

(2) Where a timely request for reconsideration is filed and rejected by the board, within 30 days of personal delivery or within 60 days of the mailing of the notice of rejection.

(3) Where a timely request for reconsideration is filed and granted by the board, or reconsideration is ordered by the board, within 30 days of personal delivery or within 60 days of the mailing of the final decision on the reconsidered application.

(Amended by Stats.1983, c. 1310, p.—, § 14.)

OFFICE OF CRIMINAL JUSTICE PLANNING
VICTIM/WITNESS TECHNICAL ADVISORY COMMITTEE

Veronica Zecchini
Sacramento County District Attorney's Office
Victim/Witness Assistance Center
901 G Street
Sacramento, California 95814
(916) 440-5701

Mia Baker
Los Angeles County District Attorney's Office
Victim/Witness Assistance Center
Criminal Courts Building
210 West Temple Street
Los Angeles, California 90012
(213) 974-7499

Harold Boscovich
Alameda County District Attorney's Office
Victim/Witness Assistance Center
1225 Fallon Street, Room 900
Oakland, California 94612
(415) 874-7618

Diane Batres
San Joaquin County District Attorney's Office
Victim/Witness Assistance Center
222 East Weber
Stockton, California 95201
(209) 944-3805

Martha Crawford
Riverside County District Attorney's Office
Victim/Witness Assistance Center
P. O. Box 1148
Riverside, California 92501
(714) 787-6186

Barbara Allsworth
Humboldt County District Attorney's
Office
Victim/Witness Assistance Center
825 Fifth Street
Courthouse - Room 230
Eureka, California 95501
(707) 445-7417

Mark McCaffrey
Amador/Alpine/Calaveras County
District Attorney's Office
Victim/Witness Assistance Center
108 Court Street
Jackson, California 95642
(209) 223-6474

Janet Taylor
Butte County Probation Department
Victim/Witness Assistance Center
170 E. Second Ave., Suite 1
Chico, California 95926
(916) 891-2812

Barbara Phillips
Orange County Superior Court
Victim/Witness Assistance Center
P. O. Box 1994
Santa Ana, CA 92702
(714) 834-7103

OFFICE OF CRIMINAL JUSTICE PLANNING
TABLE 2
VICTIM/WITNESS FUNDING ALLOCATIONS

<u>County</u>	<u>FY 1987/88 Total Allocation *</u>	<u>Baseline Funding (without VOCA)</u>	<u>Criminal Justice Advocacy Services Augmentation</u>
Alameda	355,700	337,603	100,00
Alpine/Amador/Calaveras	90,000	51,000	
Butte	87,155	81,600	
Contra Costa	187,794	178,368	
Del Norte	70,000	51,000	
El Dorado	87,155	81,600	
Fresno	166,258	157,712	70,000
Humboldt	87,155	81,600	
Imperial	81,600	51,000	
Kern	133,755	127,094	
Kings	81,600	51,000	
Lake	70,000	51,000	35,000
Los Angeles	2,628,077	2,499,181	100,000
Madera	81,600	51,000	
Marin	87,155	81,600	
Mendocino	87,155	81,600	
Merced	87,155	81,600	
Monterey	87,155	81,600	
Napa	87,155	81,600	
Nevada	81,600	51,000	
Orange	536,856	509,960	100,000
Placer	87,155	81,600	35,000
Riverside	222,025	209,803	
Sacramento	264,097	250,649	
San Benito	81,600	81,600	
San Bernardino	288,357	272,553	
San Diego	526,224	498,260	
San Francisco	233,617	222,369	
San Joaquin	112,807	106,806	70,000
San Luis Obispo	87,155	81,600	70,000
San Mateo	152,491	145,893	
Santa Barbara	87,155	81,600	
Santa Clara	338,344	322,508	
Santa Cruz	87,155	81,600	70,000
Shasta	187,155	81,600	
Solano	87,155	81,600	
Sonoma	87,155	81,600	
Stanislaus	87,155	81,600	
Sutter	70,000	51,000	
Tulare	87,155	81,600	
Tuolumne	70,000	51,000	35,000
Ventura	134,155	127,588	
Yolo	87,155	81,600	
Yuba	70,000	51,000	
TOTAL	8,797,347 **	8,026,747	685,000

* Includes VOCA funds augmentations.

** A balance of unexpended funds from FY 1986/87 will be used to augment the FY 1987/88 appropriation to fund continuation grants.

OFFICE OF CRIMINAL JUSTICE PLANNING
VICTIM/WITNESS ASSISTANCE PROGRAM
QUARTERLY PROGRESS REPORT

Appendix L

(1) PROJECT NAME : (2) GRANT AWARD NUMBER
(3) GRANTEE : (4) GRANT PERIOD
(5) ADDRESS : (6) DATE OF REPORT
(7) PROJECT DIRECTOR : (8) ADDRESS : (9) TELEPHONE
(10) REPORT PREPARED BY (NAME) : (11) TITLE (RELATIONSHIP TO PROJECT) : (12) TELEPHONE
(13) :
[] 1st [] 2nd [] 3rd [] 4th [] Other

BUDGET

1) TOTAL GRANT AWARD (14) \$
2) TOTAL FUNDS EXPENDED TO DATE (15) \$
3) BALANCE OF GRANT FUNDS (16) \$
4) MONTHLY REPORT OF EXPENDITURES AND REQUEST FOR FUNDS
(FORM 210) SUBMITTED THROUGH WHAT MONTH? (17)
5) ARE GRANT FUNDS BEING EXPENDED AT THE MONTHLY RATE ANTICIPATED? (18) [] YES [] NO
(IF NOT, DISCUSS UNDER IMPLEMENTATION/OPERATIONAL PROBLEMS
SECTION D.)
6) HAS ANY GRANT EQUIPMENT BEEN APPROVED IN THIS GRANT YEAR? (19) [] YES [] NO
(IF YES, ATTACH THE GRANT EQUIPMENT LOG.)

I CERTIFY THAT THIS REPORT IS ACCURATE AND IN ACCORDANCE WITH THE OFFICE OF CRIMINAL JUSTICE
PLANNING POLICIES AND PROCEDURES.

(20) Signature - Project Director Date
(21) Signature - Fiscal Officer Date

OCJP COMMENTS

FISCAL CLAIM FORM 201's SUBMITTED MONTHLY AS REQUIRED? [] YES [] NO

Reviewers Signature Date Phone ()

1. Enter the Project Title as it appears on line 4 of the Grant Award Face Sheet.
2. Enter the Grant Award Number as it appears on line 7 of the Grant Award Face Sheet.
3. Enter the name of the grantee as it appears on line 1 of the Grant Award Face Sheet.
4. Enter the grant period as it appears on line 8 of the Grant Award Face Sheet or as approved in a subsequent Grant Award Modification.
5. Enter the complete address of the grantee. Include street address, city and zip code.
6. Enter the date this quarterly report is prepared.
7. Enter the full name of the Project Director.
8. Enter the complete address of the Project Director. Include street address or P.O. Box, city and zip code.
9. Enter the area code and telephone number of the Project Director.
10. Enter the full name of the person preparing this Quarterly Report.
11. Enter the title of the person preparing this Quarterly Report as it reflects their relationship to the project (i.e., Project Director, Project Coordinator, Fiscal Officer)
12. Enter the area code and telephone number of the person preparing this Quarterly Report.
13. Indicate by checking the appropriate box which quarter is being reported. Enter the beginning and ending day and month of the period being reported in the adjacent space.
14. Enter the total amount of the grant award as it appears on line 10 of the Grant Award Face Sheet.
15. Enter the total amount of grant funds expended to date.
16. Enter the balance of grant funds available at the end of the reporting quarter.
17. Enter the most recent month for which a Fiscal Claim (Form 201) has been submitted to OCJP.
18. Indicate by checking the appropriate box whether the grant funds are being expended at the rate projected by the project. If funds are being expended at a significantly greater or lesser rate, explain fully in the problems section on Form 402.
19. Indicate by checking the appropriate box whether the grant equipment has been approved in this grant year. If grant equipment has been approved, complete the attached grant equipment log.
20. After having reviewed and verified the Quarterly Report, the Project Director shall sign and date the report. This signature indicates verification.
21. After having reviewed and verified the budget information presented in the Quarterly Report, the Fiscal Officer shall sign and date the report. This signature indicates verification.

MANDATORY SERVICES

	Grant	Total	Total	Total	Total	Total	Total	Total
Objectives	First	Second	To	Third	To	Fourth	To	
Quarter	Quarter	Date	Quarter	Date	Quarter	Date	Quarter	Date
1. Crisis Intervention								
2. Emergency Assistance								
Direct								
Referral								
3. Source & Referral Counseling								
4. Follow-Up Counseling								
5. Victim of Crime Claims								
6. Property Return								
7. Presentation to Criminal Justice								
Printed Information								
Verbal Information								
8. Court Assistance/Support								
Information								
Support								
9. Presentations/Training								
Criminal Justice								
Victim Service								

	Grant	Total	Total	Total	Total	Total	Total	Total
Objectives	First	Second	To	Third	To	Fourth	To	
	Quarter	Quarter	Date	Quarter	Date	Quarter	Date	
A. Services (Continued)								
10. Public Presentations								
Community Groups, Service Clubs								
and Schools								
Public Media								
11. Case Disposition/Case Status								
Case Status								
Case Disposition								
Appeals								
12. Notification of Family/Friends								
13. Employer Intervention								

	Service	Total	Total	Total	Total	Total	Total	Total
	Provided	First	Second	To	Third	To	Fourth	To
OPTIONAL SERVICES	(Yes or No)	Quarter	Quarter	Date	Quarter	Date	Quarter	Date
1. Creditor Intervention								
2. Child Care								
3. Institution Assistance								
4. Witness Notification								
5. Funeral Arrangements								
6. Crime Prevention Information								
7. Witness Protection								
8. Restraining Order Assistance								
9. Transportation								
10. Court Waiting Area								
11. Victim Impact Statement								
Number of New Victims Served*								

B. EXPLANATION FOR LOW SERVICE LEVEL(S)

Provide an explanation for those objectives not on schedule for this report period and corrective action to be taken.

* Definition: First time for any given offense. Can also include family members of victims.

PERSONNEL

1. Explain any vacancies or new staff which may impact center operation.

2. Volunteers

a. Number of volunteers.

b. Number of volunteer hours.

c. Please explain volunteer activities.

:	This	:	Year To	:
:	Quarter	:	Date	:
:		:		:
:		:		:
:		:		:
:		:		:

III. IMPLEMENTATION/OPERATIONAL PROBLEMS

1. Discuss any problems related to the overall implementation of center activities or operation.

IV. ACTIVITY HIGHLIGHTS

1. Discuss any significant accomplishments, community involvement, media projects, awards, etc.

INSTRUCTIONS FOR COMPLETION
OF THE
GRANT EQUIPMENT LOG

1. Enter the OCJP Grant Award Number.
2. Enter the description of each piece of equipment which was approved either in the Grant Award or the Grant Award Modification.
3. Enter the date each piece of equipment was ordered.
4. Enter the date each piece of equipment was actually received by the project.
5. Enter the date OCJP was contacted to request State of California equipment tag for each piece of equipment.
6. Enter the State equipment tag number issued by OCJP for each piece of equipment.
7. Enter either Yes or No to indicate whether the equipment tag has been affixed to the corresponding piece of equipment.
8. The Project Director must sign this form.
9. Enter the date this report was approved and signed by the Director.

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Quarter: 1st [] 2nd [] 3rd [] 4th [] Other _____

(6) Equipment
Serial Number

[illegible]

I CERTIFY THAT THIS REPORT IS ACCURATE AND IN ACCORDANCE WITH THE APPROVED GRANT AWARD AGREEMENT AND THE OFFICE OF CRIMINAL JUSTICE PLANNING'S POLICIES AND PROCEDURES.

:(8) DATE