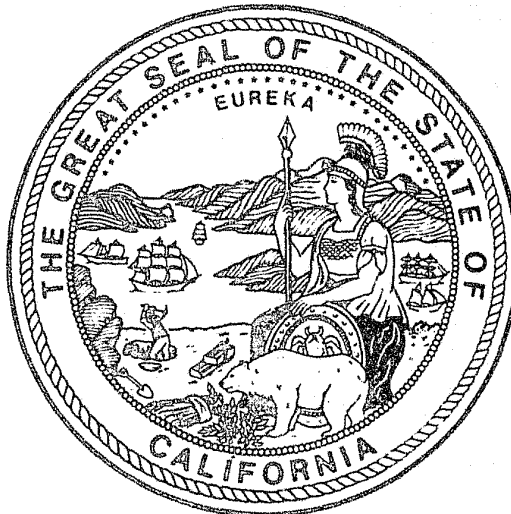


OFFICE OF CRIMINAL JUSTICE PLANNING

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



GEORGE DEUKMEJIAN
GOVERNOR

642411

CALIFORNIA VICTIM/WITNESS
ASSISTANCE PROGRAM

Program Guidelines
May, 1985



Office of Criminal Justice Planning

G. ALBERT HOWENSTEIN, JR.
Executive Director

BRIAN F. LUNGREN
Chief Deputy Director

PATRICIA J. BEECHAM
Deputy Director

G. KEVIN CARRUTH
Deputy Director

114749

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OFFICE OF CRIMINAL JUSTICE PLANNING
OFFICE OF THE DIRECTOR
1130 K STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

114749



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 of this state. This program is designed to help local governments 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 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.

The Office of Criminal Justice Planning (OCJP) is responsible for administering the California Victim/Witness Assistance Program. 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 Sterling U'ran at (916) 324-9203.

Sincerely,

G. ALBERT HOWENSTEIN, JR.
Executive Director

GAH:dlm

NCJRS

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ACQUISITIONS

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CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM

I. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. PROGRAM BACKGROUND

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

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

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

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

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

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

For FY 1984/85, \$7.75 million was allocated to fund Victim/Witness Centers in 43 counties. Again, the "Balance of State" category supported programs in the less populous counties.

\$7.75 million was again allocated in FY 1985/86 using the same allocation formula as stated above.

III. PROGRAM OBJECTIVES

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

- A. Provide financial aid to establish and maintain local comprehensive centers for victims and witnesses of all types of crime.
- B. Improve the understanding of the needs of victims and witnesses on the part of the criminal justice system and increase their participation in the administration of justice. In carrying out this objective, centers should be designed to undertake activities that:
 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 system.
 4. Assure that victims and witnesses are informed of the progress of the case in which they are involved.

- C. Provide victims with a faster and more complete recovery from the effects of crime through the services of centers for victim and witness assistance.
- D. Increase the role of Victim/Witness centers in assisting victims of crime to apply for state compensation.

IV. ELIGIBILITY CRITERIA

Section 13835 of the Penal Code sets forth requirements or eligibility criteria for programs which receive State funding. The purpose of this section is to describe the components eligible for funding under this program.

A. STATUTORY REQUIREMENTS

Penal Code Section 13835 states that funds appropriated are to be made available through the UCJP to any public or private non-profit 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 centers 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 or regional service area.
3. It is selected by the Board of Supervisors as the agency to receive funds pursuant to this article.

As stated above, the Board of Supervisors must recognize a center's comprehensiveness and then select it as the one eligible to receive funding. UCJP will accept only one application from each county or, in the case of regional centers, from a proposed regional service area. Evidence of Board selection must be in the form of a certified copy of the resolution. The resolution need not accompany the application, but must be received by UCJP prior to final awarding of the grant. Recognition and selection of the single applicant by the County 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 substantially the entire county or regional service area.

4. It assists victims of crime in the preparation, verification, and presentation of their claims to the State Board of Control for indemnification.
5. It cooperates with the State Board of Control in verifying the data required. Cooperation with the State Board of Control shall constitute 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

Applicants for funds appropriated pursuant to Penal Code 13835 must respond to the criteria set forth above. In addition, centers must comply with the service standards listed below. Specific objectives related to each service are detailed in the Project Activities Outline in Attachment C of the RFP package. Applicants may simply insert the appropriate numbers for each objective when submitting their proposals or they may expand on any portion of the outline to include information specific to their community.

1. General Activities and Orientations

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

a) Translation Services

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

b) Client Service Follow-Up

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

c) Field Visits

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

d) Volunteer Participation

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

e) Services for the Elderly

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

f) Local Coordinating Committee

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

2. Mandatory Services

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

level of service, on the other hand, encompasses the most complete and effective response to needs, and represents the standard toward which all centers are expected to aim.

Following are the mandatory service components:

a) Crisis Intervention

(1) Service Standard

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

(2) Model Service

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

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

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

b) Emergency Assistance

(1) Service Standard

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

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

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

(2) Model Service

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

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

c) Resource and Referral Counseling

(1) Service Standard

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

(2) Model Service

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

d) Follow-Up Counseling

(1) Service Standard

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

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

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

Centers will perform periodic reassessments of each client's needs. The frequency of such reassessments will be based upon the severity and characteristics of each individual case.

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

(2) Model Service

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

e) Victim of Crime Claims

(1) Service Standard

Centers will assist victims of crime in filing for reimbursement. This assistance will be comprised of the following activities:

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

- providing on-going liaison services between claimants and the Board of Control

(2) Model Service

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

Centers will seek comprehensive and specialized training for staff in Board of Control procedures for the full completion and verification of Victim of Crime claims. It is expected that such training will enable local centers to submit more fully verified claims to the Board of Control. Also, centers will fully complete, verify, and submit to the Board of Control all new claims within sixty (60) days of receipt from the victims.

Where there exists State Board of Control contract funding for the establishment of local verification units, intake and referral procedures to those units shall constitute program compliance. Since program staff will be relieved of this objective, it is expected that an increase will occur in the remaining mandatory services. These increases will be reviewed and approved by UCJP on a case by case basis, prior to the approval of the funding application.

f) Orientation to the Criminal Justice System

(1) Service Standard

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

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

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

(2) Model Service

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

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

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

g) Court Assistance

(1) Service Standard

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

(2) Model Service

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

h) Court Support

(1) Service Standard

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

(2) Model Service

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

i) Presentations/Training to Criminal Justice System Agencies

(1) Service Standard

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

(2) Model Service

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

j) Public Presentations/Publicity

(1) Service Standard

Centers will identify all agencies that are not part of the local criminal justice system, but that are likely to be a referral source or resource for victims and witnesses. Centers will hold educational sessions with the identified agencies on an ongoing basis. These sessions, which must be tailored to the characteristics of each agency, will enhance cooperation between agencies, provide a forum for the exchange of information, inform agencies of the rights and needs of victims, and describe the services available through the local Victim/Witness Assistance Center.

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

(2) Model Service

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

k) Case Disposition/Case Status

(1) Service Standard

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

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

(2) Model Service

Within thirty (30) working days of the disposition of a case, centers will inform all law enforcement officers

serving as witnesses of the disposition of the case in which they are involved. "Disposition" here means the judgment on the prosecuted charge(s), the defendant's guilty plea, or the dismissal of the charge(s), as well as the convicted defendant's sentence.

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

1) Notify Friends and Relatives

(1) Service Standard

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

(2) Model Service

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

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

3. Optional Services

The following service components are designated as "Optional Services". Optional does not mean that these are unimportant components of California's Victim/Witness Program. These 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.

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

a) Employer Intervention

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

- (1) notification of a victim's employer that a crime was committed against an employee and the condition of the employee as a result of the crime

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

b) Creditor Intervention

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

c) Child Care

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

d) Restitution

The delivery of this service may involve the following activities:

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

(e) Property Return

The delivery of this service may include the following activities:

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

f) Witness Call-Off

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

g) Funeral Arrangements

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

h) Crime Prevention Information

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

i) Witness Protection

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

j) Temporary Restraining Orders

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

k) Transportation

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

4. Special Components

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

- a) A maximum of 5% of the total grant award may be allocated for a Victim Emergency Fund to pay for emergency items such as food, lodging, etc. Emergency Fund procedures must be approved by UCJP before any of those funds can be expended. Sample procedures may be obtained by contacting the California Victim/Witness Assistance Program at (916) 324-9116.

- b) A maximum of 15% of the total grant award may be allocated for witness protection. Local procedures, based on the guidelines of the California Witness Protection Program administered by the Department of Justice, must be approved by UCJP before any of those funds can be expended.

V. FUNDING GUIDELINES

A. Grant Duration

Participating centers will be funded for up to a twelve-month period. Centers are subject to a continuation review and must submit timely fiscal and progress reports in accordance with UCJP requirements.

B. Funding Guidelines

In developing an allocation plan for this Program, UCJP took into account several issues:

1. Since the amount of funds for this program are limited, the allocation plan should assure adequate funding for counties experiencing the greatest need, as measured by relative population and level of crime activity.
2. While it is anticipated that State Special Funds will continue to be available to support Victim/Witness Centers at the local level, local government should also be encouraged to make a financial investment in them. Although local matching funds will not be required, indirect costs will be limited to 10 percent of personal services-salaries.
3. Efforts should be made to fund counties with established Victim/Witness centers if they meet all the eligibility criteria and are selected by the County Board of Supervisors as the major provider of victim/witness services.
4. For counties without a state-funded Victim/Witness center, UCJP should encourage regional proposals because they would be most cost-effective. In the event that a number of new single-county proposals are received, UCJP reserves the right to negotiate with applicants regarding the development of regional centers.

UCJP has adopted an allocation plan that incorporates the provisions listed above. The fund allocation for each county is listed on Table 2 in Appendix K. In order to avoid significant reduction or increase, funds are allocated consistent with FY 1984/85 funding allocations.

D. Administrative and Equipment Costs

Administrative expenses and equipment purchases shall be directly related to provisions of service and must not involve non-grant funded activities.

E. Travel

Programs are required to include travel and per diem expenses for a minimum of two staff members to attend three 2 1/2 day UCJP sponsored conferences or mandatory training sessions. This should include air fare for two round-trips north or south.

F. Job Description/Duty Statement

Please review the suggested Job Descriptions/Duty Statements shown in Appendix A. Upon hiring Victim/Witness Program personnel, it is suggested that employees meet the minimum qualifications, and possess the knowledges and abilities required to effectively perform the specified duties.

VI. SELECTION PROCESS

UCJP has incorporated these guidelines and administrative requirements within a Request-for-Proposals (RFP). The Program Guidelines and the RFP are made available to established Victim/Witness Centers, administrators in counties without a state-funded Victim/Witness center, and other interested parties.

Proposals received by UCJP 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 selection. Specific attention will be directed to the applicant's identification of local problems, objectives, activities, and responsiveness to the eligibility criteria.

VII. PROJECT START DATE

Program implementation is scheduled for July 1, 1985, subject to receipt of funds appropriated as a part of the new fiscal year. Some counties may elect to defer actual draw down of funds until later in the fiscal year. This option may be of particular interest to counties with existing centers whose current grant end dates will carry them into the next fiscal year. In such cases, UCJP intends to be flexible with applicants in terms of start dates for awards, so applicants will have, in effect, the benefit of using funds over a shorter period of time. All grant applications must have end dates of June 30, 1986. In some cases applicants may have grant awards from different 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 Program will be conducted by the Office of Criminal Justice Planning. All projects must comply with the data collection and reporting requirements (Quarterly Reports) established by UCJP which are necessary for the completion of the assessment and/or completion of the Annual Report.

California Victim/Witness Assistance Program
Victim/Witness Worker
Line Staff Positions
Suggested Duty Statement

Definition

Under supervision, to maintain a local comprehensive center for victims and witnesses of all types of crimes and to increase awareness of the criminal justice system as to the needs of victims and witnesses.

Duties:

In order to provide legislatively mandated service components the following activities should be included in all California Victim/Witness Assistance Programs:

Provides crisis intervention to victims of all types of crimes; makes field visits; assists in providing emergency assistance; provides support/guidance/short-term counseling; establishes and maintains a list of referral agencies; refers victims to appropriate community resources; provides follow-up counseling; interprets rules, regulations and policies; assess eligibility and assists in completing, verifying and submitting Victim of Crime Claims; acts as a source of information for clients, other individuals or agencies regarding the criminal justice system; acts as liaison to public and private agencies; acts as court escort and/or provides courtroom accompaniment; makes educational presentations to law enforcement, schools and other criminal justice system and community agencies; provides case disposition/case status information; offers notification of relatives; prepares correspondence; maintains records and statistical data and files.

The following activities may also be included:

Assists with employer/creditor intervention; provides or makes referrals for temporary child care; assist victims in collection of restitution and property return; coordinates court appearance of witnesses; assists with funeral arrangements; disseminates crime prevention information; provides protective assessment/intervention; may provide or arrange for transportation of victims/witnesses.

Minimum Qualifications

Education/Experience: Requires a level of education and experience that is commensurate with the duties, knowledges, and abilities specified and comparable to other county positions that perform similar duties.

Knowledge of:

- o Crisis intervention and counseling techniques;
- o Sociological aspects of crime and victims of crime;

- o Victims rights;
- o Structure and function of Criminal Justice System;
- o Statutes and regulations regarding Restitution Fund;
- o Community resources

Ability to:

- o Speak, write and interview effectively;
- o Accurately analyze a case and take appropriate course of action;
- o Provide psychological and emotional support to reduce trauma associated with being a victim or witness of a crime;
- o React quickly and calmly in emergencies;
- o Effectively communicate with various socio-economic and cultural backgrounds;
- o Establish and maintain a cooperative working relationship with agency staff, victims, witnesses, law enforcement agencies, the courts and other community agencies;
- o Maintain confidentiality of information of victims and witnesses;
- o Interpret rules and regulations;
- o Prepare accurate and concise correspondence and reports;
- o Perform mathematical calculations to determine eligibility.

California Victim/Witness Assistance Program
Victim/Witness Worker
Supervising Staff Positions
Suggested Duty Statement

Definition

Under direction, to maintain a local comprehensive center for victims and witnesses of all types of crimes and to increase awareness of the criminal justice system as to the needs of victims and witnesses

Duties:

Administers, organizes, plans and/or coordinates daily project operations to ensure legislative mandates are being achieved; plans, assigns, evaluates, supervises and coordinates work of subordinates; plans, initiates and directs project programs and policies; conducts training programs for subordinates and/or outside agencies; participates in recruitment and selection of staff and volunteers; may develop and prepare program budget; monitors program expenditures, and recommends program modifications; cooperates and coordinates with local, state and federal law enforcement and social service agencies; conducts staff meetings; assists in the development of community resources; analyzes and makes recommendations on existing and proposed legislation; plans and conducts community outreach; prepares correspondence and written reports.

Minimum Qualifications

Education/Experience: Requires a level of education and experience that is commensurate with the duties, knowledges, and abilities specified and comparable to other county positions that perform similar duties.

Knowledge of:

- o Program development and evaluation methods;
- o Grant application preparation;
- o Principles of organization and budgeting;
- o Principles of supervision involving daily activities of a unit of workers.

Ability to:

- o Organize, coordinate and supervise the work of others;
- o Recruit, train, schedule and supervise volunteer staff;
- o Speak effectively before groups;
- o Prepare reports, brochures, grant applications, correspondence and forms.

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 uncompensated losses, but provides no assistance for witnesses of crimes.

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

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

Appropriation: yes.

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

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

Article 1. General Provisions

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

Article 2. Local Assistance Centers for Victims and Witnesses

13835. The Legislature finds and declares as follows:

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

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

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

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

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

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

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

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

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

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

(1) Maximization of volunteers.

(2) Stated goals of applicants.

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

(4) Evidence of community support.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O

Senate Bill No. 383

CHAPTER 713

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

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

LEGISLATIVE COUNSEL'S DIGEST

SB 383, Smith. Victims and witnesses of crimes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Assembly Bill No. 493

CHAPTER 530

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

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

LEGISLATIVE COUNSEL'S DIGEST

AB 493, Moore. Courts: fees and penalties.

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

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

Appropriation: yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

major provider of comprehensive services to such victims and witnesses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The moneys so deposited shall be distributed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The moneys so deposited shall be distributed as follows:

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

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

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

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

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

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

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

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

assessment shall be reduced in proportion to the suspension.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

exceed 60 days.

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

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

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

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

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

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

Assembly Bill No. 698

CHAPTER 166

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

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

LEGISLATIVE COUNSEL'S DIGEST

AB 698, Thurman. Crimes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The moneys so deposited shall be distributed as follows:

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

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

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

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

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

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

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

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

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

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

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

section, shall also be returned.

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

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

The moneys so deposited shall be distributed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

The moneys so deposited shall be distributed as follows:

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

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

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

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

This section shall become operative on July 1, 1982.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senate Bill No. 1084

CHAPTER 1312

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

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1084, Petris. Centers for victims and witnesses.

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

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

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

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

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

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

Article 2. Local Assistance Centers for Victims and Witnesses

13835. The Legislature finds and declares as follows:

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

witnesses to crime, are further victimized by that system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Evidence of community support.

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

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

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

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

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

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

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

(e) Volunteer participation to encourage community involvement.

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

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

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

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

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

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

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

(6) Orientation to the criminal justice system.

- (7) Court escort.
- (8) Presentations to and training of criminal justice system agencies.
- (9) Public presentations and publicity.
- (10) Monitoring appropriate court cases to keep victims and witnesses apprised of the progress and outcome of their case.
- (11) Notification to friends, relatives, and employers of the occurrence of the crime and the victim's condition, upon request of the victim.

(b) Comprehensive services may include the following optional services, if their provision does not preclude the efficient provision of primary services:

- (1) Employer intervention.
- (2) Creditor intervention.
- (3) Child care.
- (4) Assistance in obtaining restitution for the victim.
- (5) Assistance in obtaining return of a victim's property held as evidence by law enforcement agencies.
- (6) Notification to witnesses of any change in the court calendar.
- (7) Funeral arrangements.
- (8) Crime prevention information.
- (9) Witness protection, including arranging for law enforcement protection or relocating witnesses in new residences.
- (10) Assistance in obtaining temporary restraining orders.
- (11) Transportation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Evidence of community support.

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

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

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

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

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

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

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

O

Assembly Bill No. 1485

CHAPTER 1092

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

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

Existing law provides that the court may imprison a defendant for

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

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

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

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

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

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

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

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

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

Appropriation: yes.

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

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

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

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:

**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-employed 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.)

CALIFORNIA VICTIM/WITNESS ASSISTANCE PROGRAM
ADVISORY COMMITTEE

Honorable Wally C. Berry
Sheriff, Tuolumne County
28 North Lower Sunset Drive
Sonora, CA 95370
(209) 533-5855

James Carrington, Chief of Police
301 South Willowbrook
Compton, CA 90224
(213) 638-1131

Honorable Deane Dana
Los Angeles County Supervisor
822 Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
(213) 974-4444

Katherine Denning, Division Chief
San Leandro/Hayward Judicial District
P. O. Box 4317
Hayward, CA 94540
(415) 881-6384 or 881-6259

George Eowan, Consultant
Senate Minority Finance
State Capitol, Room 2085
Sacramento, CA 95814
(916) 323-9221

Robert Fawke, Deputy District Attorney
2694 Seine Avenue
Highland, CA 92346
(714) 383-3442

Barbara Phillips, Program Coordinator
Victim/Witness Assistance Center
Orange County Superior Court
700 Civic Center Drive West
P. O. Box 1994
Santa Ana, CA 92702
(714) 957-2737

Lane Richmond, Executive Secretary
Board of Control
926 J Street, Suite 300
Sacramento, CA 95814
(916) 445-2561

Jim Rowland, Director
California Youth Authority
4241 Williamsborough Drive
Sacramento, CA 95823
(916) 445-2561

Honorable J. D. Smith
Vice-Chair
Municipal Court Judge
600 East Broadway
Glendale, CA 91216
(818) 500-3418

Cecil Steppe, Chief Probation Officer
Chairman
P. O. Box 23096
San Diego, CA 92123
(619) 560-3100

Greg Thompson, Executive Director
California District Attorneys'
Association
1130 K Street
Sacramento, CA 95814
(916) 443-2017

Gerald Young, Program Coordinator
Victim/Witness Assistance Center
District Attorney's Office
Court House Annex, Room 302
San Luis Obispo, CA 93401
(805) 549-5821

OFFICE OF CRIMINAL JUSTICE PLANNING
TABLE 1

MARCH 19, 1984

VICTIM/WITNESS POPULATION AND CRIME STATISTICS
FOR CALIFORNIA COUNTIES OVER 100,000 POPULATION, 1982

COUNTY	JULY 1 POPULATION ESTIMATES (IN HUNDREDS) (1)	PERCENT OF TOTAL STATE POPULATION	1982 CRIMES REPORTED (2)	PERCENT OF TOTAL STATE CRIME	AVERAGE PERCENT POPULATION AND CRIME	FORMULA ALLOCATION
STATE TOTAL	24,7240	100.000000	1,181,099	100.000000	100.000000	6,830,000
ALAMEDA	1,1368	4.597961	60,166	5.094069	4.846015	330,983
BUTTE	1529	.618427	5,068	.429092	.523760	35,773
CONTRA COSTA	6770	2.738230	28,139	2.382442	2.560336	174,871
FRESNO	5392	2.180877	27,718	2.346797	2.263837	154,620
HUMBOLDT	1109	.448552	3,284	.278046	.363299	24,813
KERN	4360	1.763469	22,266	1.885193	1.824331	124,602
LOS ANGELES	7,7014	31.149490	479,503	40.598036	35.873763	2,450,178
MARIN	2237	.904789	6,528	.552706	.728747	49,773
MERCED	1437	.581217	4,048	.342732	.461974	31,553
MONTEREY	3051	1.234024	10,909	.923631	1.078827	73,684
NAPA	1012	.409319	2,798	.236898	.323108	72,068
ORANGE	2,0216	8.176670	76,340	6.463472	7.320071	499,961
PLACER	1269	.513266	4,238	.350818	.436042	29,782
RIVERSIDE	7194	2.909723	36,772	3.113372	3.011547	205,689
SACRAMENTO	8320	3.365151	45,243	3.830585	3.597868	245,734
SAN BERNARDINO	9711	3.927762	46,025	3.896794	3.912278	267,209
SAN DIEGO	1,9683	7.961090	74,919	6.343160	7.152125	488,490
SAN FRANCISCO	6996	2.829639	41,979	3.554232	3.191936	218,009
SAN JOAQUIN	3750	1.516745	18,301	1.549489	1.533117	104,712
SAN LUIS OBISPO	1681	.679906	4,549	.385150	.532528	36,372
SAN MATEO	5894	2.383918	21,312	1.804421	2.094170	143,032
SANTA BARBARA	3092	1.250607	10,284	.870714	1.060661	72,443
SANTA CLARA	1,3316	5.385860	45,742	3.872834	4.629347	316,184
SANTA CRUZ	1981	.801246	7,020	.594362	.697804	47,660
SHASTA	1225	.495470	3,634	.307680	.401575	27,428
SOLANO	2546	1.029769	7,620	.645162	.837465	57,199
SONOMA	3147	1.272852	10,260	.868682	1.070767	73,133
STANISLAUS	2821	1.140997	10,870	.920329	1.030663	70,394
TULARE	2593	1.048779	10,529	.891458	.970118	66,259
VENTURA	5596	2.263388	16,529	1.399459	1.831424	125,086
YOLO	1197	.484145	5,696	.482263	.483204	33,003
BALANCE OF STATE	9733	3.936661	32,810	.027779	3.357291	229,303

SOURCES: 1. CALIFORNIA DEPARTMENT OF FINANCE, POPULATION RESEARCH UNIT.
2. CALIFORNIA BUREAU OF CRIMINAL STATISTICS AND SPECIAL SERVICES.

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

<u>County</u>	FY 1985/86 <u>Total Allocation*</u>
Alameda	\$ 330,983
Alpine/Amador/Calaveras	53,215
Butte	80,000
Contra Costa	174,871
Del Norte	50,000
El Dorado	80,000
Fresno	154,620
Humboldt	80,000
Kern	124,602
Kings	50,000
Lake	50,000
Los Angeles	2,450,178
Madera	50,000
Marin	80,000
Mendocino	80,000
Merced	80,000
Monterey	80,000
Napa	80,000
Nevada	50,000
Orange	499,961
Placer	80,000
Riverside	205,689
Sacramento	245,734
San Benito	80,000
San Bernardino	267,209
San Diego	488,490
San Francisco	218,009
San Joaquin	104,712
San Luis Obispo	80,000
San Mateo	143,032
Santa Barbara	80,000
Santa Clara	316,184
Santa Cruz	80,000
Shasta	80,000
Solano	80,000
Sonoma	80,000
Stanislaus	80,000
Sutter	50,000
Tulare	80,000
Ventura	125,086
Yolo	80,000

Balance of State \$ 27,425**

* In order to avoid significant reduction or increase, funds are allocated consistent with FY 1984/85 funding levels.

** A balance of unexpended funds from FY 84/85 will be added to this amount to total approximately \$100,000 set aside to fund new centers.