

AMENDED IN ASSEMBLY MARCH 19, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1939

Introduced by Assembly Member Steinorth

January 25, 2018

An act ~~relating to abuse~~; to amend Section 13957 of the Government Code, relating to crime victims, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1939, as amended, Steinorth. ~~Domestic violence and animal abuse—Crime victims: compensation: relocation costs: pets.~~

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and limits on the amount of compensation the board may award.

Existing law authorizes the board to grant a victim, for pecuniary loss, a cash payment or reimbursement not exceeding \$2,000 for expenses incurred in relocating, if the expenses are determined necessary for the victim's personal safety or emotional well-being, as specified.

This bill would authorize "expenses incurred in relocating," as described above, to include the costs of temporary housing for the victim's pets upon immediate relocation. By expanding the authorization for use of continuously appropriated funds, the bill would make an appropriation.

~~Existing law establishes various crimes that constitute domestic violence, including willfully inflicting corporal injury resulting in a~~

traumatic condition, as defined, upon a person with whom the defendant has been in a specified domestic relationship. Existing law provides for the funding of county domestic violence shelter-based programs to assist victims of domestic violence. Existing law also makes it a crime, punishable as specified, to commit various forms of animal abuse, including, among others, maliciously or intentionally maiming or killing an animal and dogfighting.

This bill would declare the intent of the Legislature to enact legislation relating to domestic violence and animal abuse, including legislation to create a framework for public domestic violence shelters to provide temporary housing solutions for pets of domestic violence victims at local animal shelters.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~^{yes}. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

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

1 SECTION 1. Section 13957 of the Government Code is
2 amended to read:

3 13957. (a) The board may grant for pecuniary loss, when the
4 board determines it will best aid the person seeking compensation,
5 as follows:

6 (1) Subject to the limitations set forth in Section 13957.2,
7 reimburse the amount of medical or medical-related expenses
8 incurred by the victim for services that were provided by a licensed
9 medical provider, including, but not limited to, eyeglasses, hearing
10 aids, dentures, or any prosthetic device taken, lost, or destroyed
11 during the commission of the crime, or the use of which became
12 necessary as a direct result of the crime.

13 (2) Subject to the limitations set forth in Section 13957.2,
14 reimburse the amount of outpatient psychiatric, psychological, or
15 other mental health counseling-related expenses incurred by the
16 victim or derivative victim, including peer counseling services
17 provided by a rape crisis center as defined by Section 13837 of
18 the Penal Code, and including family psychiatric, psychological,
19 or mental health counseling for the successful treatment of the
20 victim provided to family members of the victim in the presence
21 of the victim, whether or not the family member relationship
22 existed at the time of the crime, that became necessary as a direct
23 result of the crime, subject to the following conditions:

1 (A) The following persons may be reimbursed for the expense
2 of their outpatient mental health counseling in an amount not to
3 exceed ten thousand dollars (\$10,000):

4 (i) A victim.

5 (ii) A derivative victim who is the surviving parent, grandparent,
6 sibling, child, grandchild, spouse, fiancé, or fiancée of a victim of
7 a crime that directly resulted in the death of the victim.

8 (iii) A derivative victim, as described in paragraphs (1) to (4),
9 inclusive, of subdivision (c) of Section 13955, who is the primary
10 caretaker of a minor victim whose claim is not denied or reduced
11 pursuant to Section 13956 in a total amount not to exceed ten
12 thousand dollars (\$10,000) for not more than two derivative
13 victims.

14 (B) The following persons may be reimbursed for the expense
15 of their outpatient mental health counseling in an amount not to
16 exceed five thousand dollars (\$5,000):

17 (i) A derivative victim not eligible for reimbursement pursuant
18 to subparagraph (A), provided that mental health counseling of a
19 derivative victim described in paragraph (5) of subdivision (c) of
20 Section 13955, shall be reimbursed only if that counseling is
21 necessary for the treatment of the victim.

22 (ii) A minor who suffers emotional injury as a direct result of
23 witnessing a violent crime and who is not eligible for
24 reimbursement of the costs of outpatient mental health counseling
25 under any other provision of this chapter. To be eligible for
26 reimbursement under this clause, the minor must have been in
27 close proximity to the victim when he or she witnessed the crime.

28 (C) The board may reimburse a victim or derivative victim for
29 outpatient mental health counseling in excess of that authorized
30 by subparagraph (A) or (B) or for inpatient psychiatric,
31 psychological, or other mental health counseling if the claim is
32 based on dire or exceptional circumstances that require more
33 extensive treatment, as approved by the board.

34 (D) Expenses for psychiatric, psychological, or other mental
35 health counseling-related services may be reimbursed only if the
36 services were provided by either of the following individuals:

37 (i) A person who would have been authorized to provide those
38 services pursuant to former Article 1 (commencing with Section
39 13959) as it read on January 1, 2002.

1 (ii) A person who is licensed in California to provide those
2 services, or who is properly supervised by a person who is licensed
3 in California to provide those services, subject to the board's
4 approval and subject to the limitations and restrictions the board
5 may impose.

6 (3) Subject to the limitations set forth in Section 13957.5,
7 authorize compensation equal to the loss of income or loss of
8 support, or both, that a victim or derivative victim incurs as a direct
9 result of the victim's or derivative victim's injury or the victim's
10 death. If the victim or derivative victim requests that the board
11 give priority to reimbursement of loss of income or support, the
12 board may not pay medical expenses, or mental health counseling
13 expenses, except upon the request of the victim or derivative victim
14 or after determining that payment of these expenses will not
15 decrease the funds available for payment of loss of income or
16 support.

17 (4) Authorize a cash payment to or on behalf of the victim for
18 job retraining or similar employment-oriented services.

19 (5) Reimburse the expense of installing or increasing residential
20 security, not to exceed one thousand dollars (\$1,000). Installing
21 or increasing residential security may include, but need not be
22 limited to, both of the following:

23 (A) Home security device or system.

24 (B) Replacing or increasing the number of locks.

25 (6) Reimburse the expense of renovating or retrofitting a
26 victim's residence, or the expense of modifying or purchasing a
27 vehicle, to make the residence or the vehicle accessible or
28 operational by a victim upon verification that the expense is
29 medically necessary for a victim who is permanently disabled as
30 a direct result of the crime, whether the disability is partial or total.

31 (7) (A) Authorize a cash payment or reimbursement not to
32 exceed two thousand dollars (\$2,000) to a victim for expenses
33 incurred in relocating, if the expenses are determined by law
34 enforcement to be necessary for the personal safety of the victim
35 or by a mental health treatment provider to be necessary for the
36 emotional well-being of the victim. *For purposes of this paragraph,*
37 *"expenses incurred in relocating" may include the costs of*
38 *temporary housing for pets of the victim upon immediate*
39 *relocation.*

1 (B) The cash payment or reimbursement made under this
2 paragraph shall only be awarded to one claimant per crime giving
3 rise to the relocation. The board may authorize more than one
4 relocation per crime if necessary for the personal safety or
5 emotional well-being of the claimant. However, the total cash
6 payment or reimbursement for all relocations due to the same crime
7 shall not exceed two thousand dollars (\$2,000). For purposes of
8 this paragraph a claimant is the crime victim, or, if the victim is
9 deceased, a person who resided with the deceased at the time of
10 the crime.

11 (C) The board may, under compelling circumstances, award a
12 second cash payment or reimbursement to a victim for another
13 crime if both of the following conditions are met:

14 (i) The crime occurs more than three years from the date of the
15 crime giving rise to the initial relocation cash payment or
16 reimbursement.

17 (ii) The crime does not involve the same offender.

18 (D) When a relocation payment or reimbursement is provided
19 to a victim of sexual assault or domestic violence and the identity
20 of the offender is known to the victim, the victim shall agree not
21 to inform the offender of the location of the victim's new residence
22 and not to allow the offender on the premises at any time, or shall
23 agree to seek a restraining order against the offender. A victim
24 may be required to repay the relocation payment or reimbursement
25 to the board if he or she violates the terms set forth in this
26 paragraph.

27 (E) Notwithstanding subparagraphs (A) and (B), the board may
28 increase the cash payment or reimbursement for expenses incurred
29 in relocating to an amount greater than two thousand dollars
30 (\$2,000), if the board finds this amount is appropriate due to the
31 unusual, dire, or exceptional circumstances of a particular claim.

32 (F) If a security deposit is required for relocation, the board
33 shall be named as the recipient and receive the funds upon
34 expiration of the victim's rental agreement.

35 (8) When a victim dies as a result of a crime, the board may
36 reimburse any individual who voluntarily, and without anticipation
37 of personal gain, pays or assumes the obligation to pay any of the
38 following expenses:

1 (A) The medical expenses incurred as a direct result of the crime
2 in an amount not to exceed the rates or limitations established by
3 the board.

4 (B) The funeral and burial expenses incurred as a direct result
5 of the crime, not to exceed seven thousand five hundred dollars
6 (\$7,500). The board shall not create or comply with a regulation
7 or policy that mandates a lower maximum potential amount of an
8 award pursuant to this subparagraph for less than seven thousand
9 five hundred dollars (\$7,500).

10 (9) When the crime occurs in a residence or inside a vehicle,
11 the board may reimburse any individual who voluntarily, and
12 without anticipation of personal gain, pays or assumes the
13 obligation to pay the reasonable costs to clean the scene of the
14 crime in an amount not to exceed one thousand dollars (\$1,000).
15 Services reimbursed pursuant to this subdivision shall be performed
16 by persons registered with the State Department of Public Health
17 as trauma scene waste practitioners in accordance with Chapter
18 9.5 (commencing with Section 118321) of Part 14 of Division 104
19 of the Health and Safety Code.

20 (10) When the crime is a violation of Section 600.2 or 600.5 of
21 the Penal Code, the board may reimburse the expense of veterinary
22 services, replacement costs, or other reasonable expenses, as
23 ordered by the court pursuant to Section 600.2 or 600.5 of the
24 Penal Code, in an amount not to exceed ten thousand dollars
25 (\$10,000).

26 (11) An award of compensation pursuant to paragraph (5) of
27 subdivision (f) of Section 13955 shall be limited to compensation
28 to provide mental health counseling and shall not limit the
29 eligibility of a victim for an award that he or she may be otherwise
30 entitled to receive under this part. A derivative victim shall not be
31 eligible for compensation under this provision.

32 (b) The total award to or on behalf of each victim or derivative
33 victim may not exceed thirty-five thousand dollars (\$35,000),
34 except that this award may be increased to an amount not exceeding
35 seventy thousand dollars (\$70,000) if federal funds for that increase
36 are available.

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38 ~~SECTION 1. It is the intent of the Legislature to enact~~
39 ~~legislation to do all of the following:~~

- 1 ~~(a) Promote the safety of domestic violence victims and prevent~~
- 2 ~~animal abuse.~~
- 3 ~~(b) Create a framework for public domestic violence shelters~~
- 4 ~~to provide temporary housing solutions for pets of domestic~~
- 5 ~~violence victims at local animal shelters.~~
- 6 ~~(c) Develop partnerships between public domestic violence~~
- 7 ~~shelters and public and nonprofit animal shelters.~~
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