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SB-375 Victims of crime: application for compensation. (2019-2020)

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Senate Bill No. 375

CHAPTER 592

An act to amend Section 13953 of the Government Code, relating to victims of crime, and making an appropriation therefor.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 375, Durazo. Victims of crime: application for compensation.

Existing law 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 requires an application for compensation to be filed within 3 years of the date of the crime, 3 years after the victim attains 21 years of age, or 3 years from the discovery that an injury or death had been sustained as a direct result of the crime, whichever is later.

This bill would extend the time to file an application for compensation from 3 years to 7 years under each of these circumstances. The bill would also make a conforming change and delete an obsolete provision. By extending the application timeframes authorizing certain uses of continuously appropriated funds, the bill would make an appropriation.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13953 of the Government Code is amended to read:

13953. (a) An application for compensation shall be filed within seven years of the date of the crime, seven years after the victim attains 21 years of age, or seven years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later.

(b) The board may for good cause grant an extension of the time period in subdivision (a). In making this determination, the board shall consider both of the following:

(1) Whether the victim or derivative victim incurs emotional harm or a pecuniary loss while testifying during the prosecution or in the punishment of the person accused or convicted of the crime.

(2) Whether the victim or derivative victim incurs emotional harm or a pecuniary loss when the person convicted of the crime is scheduled for a parole hearing or released from incarceration.

(c) The period prescribed in this section for filing an application by or on behalf of a derivative victim shall be tolled when the board accepts the application filed by a victim of the same qualifying crime.