Bill Summary
AB 1449 ensures that the experience and needs of crime survivors is at the center of victim’s compensation policy. This bill expands access and eliminates unfair and burdensome barriers that serve only to prevent survivors from accessing the services and support they're entitled to under the law.

This bill would narrow denials based on a survivor or victim’s involvement such that CalVCB could only reduce or deny an award if (1) it finds that the victim or applicant was an accomplice, or (2) the victim was committing a violent felony at the time of victimization that directly provoked the victimization, with certain exceptions for human trafficking, sexual assault, domestic violence and homicide victims. And, under the bill, eligible loved ones of any victim could not be denied resources to access mental health services based on the victim’s involvement.

Furthermore, this bill also bars denial for all victims solely because the crime was not reported to law enforcement, and instead allows CalVCB to consider other evidence to verify that a crime occurred— including reports from mental health workers, caseworkers, victim advocates, medical or physical evidence, a restraining order, witness testimony, or other evidence.

Background
The California Victim Compensation Board is a state program dedicated to providing reimbursement for many crime-related expenses to eligible victims who suffer physical injury or the threat of physical injury as a direct result of a violent crime. CalVCB funding comes from restitution, fines, orders, and penalty assessments paid by people convicted of crimes, and through federal funds.

According to FBI Uniform Crime Reports, 177,627 violent crimes were known to law enforcement in California in 2017. A national survey conducted by the Federal Bureau of Justice Statistics found that only 45% of violent crimes are reported. The number of applications approved by CalVCB in FFY 2017 represented less than a quarter of all violent crimes known to law enforcement in that calendar year, and a far smaller share of the total number of violent victimizations that took place. California statute requires victims to cooperate reasonably with law enforcement. CalVCB regulations clarify that a delay in reporting may be considered failure to cooperate, and that “cooperation” generally includes reporting the qualifying crime.

The Problem
Currently, the California Victim Compensation board (CALVCB) must deny compensation if it finds the victim failed to reasonably cooperate with law enforcement. In some extenuating circumstances, CalVCB can consider mitigating circumstances when assessing whether cooperation is reasonable. CalVCB also has discretion to deny a claim - wholly or partially - if it determines that the victim’s “involvement in the events leading to the crime... gives rise to the application.” CalVCB regulations say that significant weight in making these determinations are given to law enforcement opinion. CalVCB can consider a set of mitigating factors that partially or fully overcome involvement, and human trafficking survivors under 18 may not be denied under the involvement clause. Victims of sexual assault domestic violence and human trafficking are exempt, and are also not required to file a police report.

According to CalVCB's annual report to the Federal Office for Victims of Crime, failure to report the offense to law enforcement was the most common reported reason CalVCB denied claims in FFY17. CalVCB denied another 279 people due to alleged involvement, and may have reduced even more awards. Currently, CalVCB must deny compensation if it finds the victim failed to reasonably cooperate with law enforcement.
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