

**Introduced by Senator McPherson**

February 23, 2001

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An act to amend Section 13968 of the Government, relating to victims of crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 840, as introduced, McPherson. Victims of crime.

Existing law authorizes the State Board of Control to provide restitution to victims of specified types of crimes for specified pecuniary expenses they incur as a direct result of criminal acts and establishes a procedure for victims to apply for this restitution. Existing law also provides that it is the duty of every hospital licensed by the state to display in its emergency room posters giving notification about the restitution program.

This bill would make technical, nonsubstantive changes in these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 13968 of the Government Code is  
2 amended to read:  
3 13968. (a) The board may adopt all rules and regulations that  
4 are necessary to implement this article, in accordance with Chapter  
5 3.5 (commencing with Section 11340) of Part 1 of Division 3.  
6 (b) It shall be the duty of every hospital licensed under the laws  
7 of this state *that has an emergency room* to display prominently in  
8 its emergency room posters giving notification of the existence

1 and general provisions of this chapter, and the existence and  
2 locations of local victim centers. The board, in cooperation with  
3 local victim centers, shall set standards for the location of a display  
4 and shall provide posters, application forms, and general  
5 information regarding the provisions of this chapter to each  
6 hospital and physician licensed to practice in the state.

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

19 (d) Notwithstanding Section 827 of the Welfare and  
20 Institutions Code or any other provision of law, every law  
21 enforcement and social service agency in the state shall provide to  
22 the board or to the designated local victim centers, upon request,  
23 a copy of a petition filed in a juvenile court proceeding, reports of  
24 the probation officer, any other document made available to the  
25 probation officer or to the judge, referee, or other hearing officer,  
26 a complete copy of the report regarding the incident and any  
27 supplemental reports involving the crime, public offense, or  
28 incident giving rise to a claim, for the specific purpose of the  
29 submission of a claim or the determination of eligibility to submit  
30 a claim filed pursuant to this article. The board or designated local  
31 victim centers shall refuse to allow inspection of a document that  
32 personally identifies a minor by anyone other than the minor who  
33 is so identified, his or her custodial parent or guardian, the  
34 attorneys for those parties, and any other persons as may be  
35 designated by court order of the judge of the juvenile court. Any  
36 information received pursuant to this section shall be received in  
37 confidence for the limited purpose for which it was provided and  
38 shall not be further disseminated. A violation of this subdivision  
39 is a misdemeanor punishable by a fine not to exceed five hundred  
40 dollars (\$500).



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

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

12 (g) The Department of Justice shall furnish, upon application  
13 of the board, all information necessary to verify the eligibility of  
14 any applicant for benefits pursuant to Section 13960.2, to recover  
15 any restitution fine or order obligations that are owed to the  
16 Restitution Fund or to any victim of crime, or to evaluate the status  
17 of any criminal disposition.

18 (h) A privilege is not waived under Section 912 of the Evidence  
19 Code by an applicant consenting to disclosure of an otherwise  
20 privileged communication if that disclosure is deemed necessary  
21 by the board for verification of the application pursuant to Section  
22 13961.

