

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 556

Introduced by Senator De León

February 26, 2015

An act to amend Section ~~911.6~~ 13958 of the Government Code, relating to ~~government liability~~: *victims of crime*.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, De León. ~~Claims against public entities. Victims of crime: indemnification: applications.~~

Existing law provides for the indemnification of victims of specified types of crimes by the California Victim Compensation and Government Claims Board, subject to specified criteria for, among other things, submission and verification of applications. Existing law requires the board to approve or deny applications, based on recommendations of the board staff, within an average of 90 calendar days and no later than 180 calendar days of acceptance by the board or victim center. Existing law requires the board to report to the Legislature, on a quarterly basis, its progress and its current average time of processing applications if the board does not meet the prescribed 90-day average standard.

This bill would define "time of processing applications" for purposes of these provisions and would require the board to post on its Internet Web site, on an annual basis, its progress and current average time of processing applications.

~~Existing law requires a claim for personal injury against a public entity, which includes the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state, or~~

against an employee of a public entity, to be presented not later than 6 months after accrual of the cause of action. Existing law provides that if a claim is not filed within the 6-month period, an application for leave to present the claim within a reasonable time not to exceed one year after the accrual of the cause of action may be filed with the public entity in accordance with specified provisions. Existing law requires the board, the governing body of the local public entity, the California Victim Compensation and Government Claims Board, the Judicial Council, or the Trustees of the California State University, as appropriate, to grant or deny the application for leave to present the claim within 45 days after it is presented to the board.

~~This bill would require the board, the governing body of the local public entity, the California Victim Compensation and Government Claims Board, the Judicial Council, or the Trustees of the California State University, as appropriate, to grant or deny the application for leave to present the claim within 45 days after it is received by the board.~~

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

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

1 SECTION 1. Section 13958 of the Government Code is
2 amended to read:

3 13958. (a) The board shall approve or deny applications, based
4 on recommendations of the board staff, within an average of 90
5 calendar days and no later than 180 calendar days of acceptance
6 by the board or victim center.

7 ~~(a)~~

8 (1) If the board does not meet the 90-day average standard
9 prescribed in this subdivision, the board shall, thereafter, report to
10 the Legislature, on a quarterly basis, its progress and its current
11 average time of processing applications. These quarterly reports
12 shall continue until the board meets the 90-day average standard
13 for two consecutive quarters.

14 ~~(b)~~

15 (2) If the board fails to approve or deny an individual application
16 within 180 days of the date it is accepted, pursuant to this
17 subdivision, the board shall advise the applicant and his or her

1 representative, in writing, of the reason for the failure to approve
2 or deny the application.

3 (b) *The board shall post on its Internet Web site, on an annual*
4 *basis, its progress and current average time of processing*
5 *applications.*

6 (c) *For purposes of this section, “time of processing*
7 *applications” means the period of time, including all calendar*
8 *days, that begins when the board first receives and application*
9 *and ends when a check is mailed to an eligible victim.*

10 ~~SECTION 1. Section 911.6 of the Government Code is~~
11 ~~amended to read:~~

12 ~~911.6. (a) The board shall grant or deny the application within~~
13 ~~45 days after it is received by the board. The claimant and the~~
14 ~~board may extend the period within which the board is required~~
15 ~~to act on the application by written agreement made before the~~
16 ~~expiration of the period.~~

17 ~~(b) The board shall grant the application if one or more of the~~
18 ~~following is applicable:~~

19 ~~(1) The failure to present the claim was through mistake,~~
20 ~~inadvertence, surprise, or excusable neglect and the public entity~~
21 ~~was not prejudiced in its defense of the claim by the failure to~~
22 ~~present the claim within the time specified in Section 911.2.~~

23 ~~(2) The person who sustained the alleged injury, damage, or~~
24 ~~loss was a minor during all of the time specified in Section 911.2~~
25 ~~for the presentation of the claim.~~

26 ~~(3) The person who sustained the alleged injury, damage, or~~
27 ~~loss was physically or mentally incapacitated during all of the time~~
28 ~~specified in Section 911.2 for the presentation of the claim and by~~
29 ~~reason of that disability failed to present a claim during that time.~~

30 ~~(4) The person who sustained the alleged injury, damage, or~~
31 ~~loss died before the expiration of the time specified in Section~~
32 ~~911.2 for the presentation of the claim.~~

33 ~~(e) If the board fails or refuses to act on an application within~~
34 ~~the time prescribed by this section, the application shall be deemed~~
35 ~~to have been denied on the 45th day or, if the period within which~~
36 ~~the board is required to act is extended by agreement pursuant to~~
37 ~~this section, the last day of the period specified in the agreement.~~