

Board of Control Regulations

(Adopted 11-14-84)

(Rev. 6/85)

B-85

PROPOSED REGULATIONS TO IMPLEMENT, INTERPRET OR MAKE
SPECIFIC PROVISIONS OF LAW GOVERNING THE VICTIMS OF CRIME PROGRAM
(Adopted 11-14-84)

BOARD OF CONTROL
Title 2, Article 5.5, Indemnification of Citizens
Benefiting the Public

647. There shall be presented to the Board all claims filed by citizens who have benefited the public through their actions as "good samaritans" to the people around them. The regulations promulgated under this article are established consistent with existing statutes, court decisions, or other provisions of law. A claim filed under this article shall be presented to the State Board of Control not later than one year after occurrence of the injury or damage. A claim filed after such shall not be considered unless the Board determines that, for good sufficient reason, the claim was not filed within said period.

Authority cited: Section 13974, Government Code.
Reference: Section 13970, Government Code.

647.1 Contents of Claims.

All claims shall be filed in duplicate, shall be signed and verified by the claimant, or claimant's parent or guardian if claimant is a minor, and shall state the facts constituting the claim in simple, concise language. In the event the claim is filed on behalf of the claimant by a law enforcement or public safety agency, the claim shall be signed by such agency and need not be verified.

Authority cited: Section 13974, Government Code.
Reference: Section 13970, Government Code.

647.2 Form of Claims.

All Claims or amendments filed with the State Board of Control under this article shall be filed on forms provided by the Board.

647.3 Disallowance.

A claim for indemnification will not be allowed if the crime prevented, or the crime committed by the criminal was against the person or property of the person who prevented the crime, apprehended the criminal, or who substantially and materially assisted a peace officer for this purpose.

Authority: Section 13974, Government Code.
Reference: Section 13973, Government Code.

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647.4 Indemnification.

The maximum amount of any claim the State Board of Control shall approve for payment shall not exceed the amount necessary to indemnify or reimburse the claimant for:

- (a) The actual value of property damaged or destroyed, or the cost of repairing such property.
- (b) Necessary expenses incurred for hospitalization or medical treatment, loss of wages, or other necessary expenses directly related to the injury or death. If continued hospitalization or medical treatment is necessary, a partial award may be made and the claim subsequently reconsidered for the purpose of recommending an additional award.

Authority: Section 13974, Government Code.

Reference: Section 13973, Government Code.

Article 5.6 Indemnification of Victims of Crime.

649. There may be presented to the State Board of Control all claims that are filed under the provisions of Section 13959 through Section 13969.1, inclusive, of the Government Code, relating to indemnification of victims of crime.

Authority: Section 13961, Government Code.

Reference: Section 13968, Government Code.

649.1 Time for Presenting Applications.

Applications Filing. Applications presented pursuant to this article shall be presented to the Board within one year after the date of the crime, except that the Board may consider an extension of this limitation when good cause for the extension is demonstrated by the victim or any person representing the victim.

Authority: Section 13968, Government Code

Reference: Section 13961, Government Code

649.2 Third Party Applications.

Notwithstanding the provisions of Government Code Section 13960, a victim filing a claim as an "individual" shall not include providers of medical or medically related services, including funeral and burial services, estates or corporations.

Authority: Section 13968, Government Code

Reference: Section 13960, Government Code

649.3 Authorized Indemnification.

(a) Request for reimbursement for expenses subsequent to the initial award will be considered as an amendment to the original application. Any cash payments made for such original and amended applications, arising out of the same crime, shall not exceed the monetary limits permitted by statute for a single application filed pursuant thereto.

(b) Personal Property. Except as provided for in Government Code Section 13960, the Board will not indemnify a victim for loss of money or loss or damage to personal property sustained in the crime giving rise to the application.

(c) Rehabilitative Services. Cash payments for job retraining or similar employment-oriented services will be paid to or on behalf of the person sustaining the physical injury, or in the event of his death or continuing disability, only to or on behalf of those persons who were directly dependent on him for their major support. Persons requesting cash payment for rehabilitative services must clearly indicate the type of services or retraining contemplated, the intended provider of the services, the cost thereof, and the need for the services. The applicant must also certify, to the satisfaction of the Board, that such assistance is not available from some other tax-supported program.

Authority: Section 13968, Government Code.

References: Section 13965, Government Code (as amended by Chapter 310, Statutes of 1983).

649.4 Burden of Proof.

It shall be the responsibility of the applicant to prove to the satisfaction of the Board, by a preponderance of evidence, that the injuries or death giving rise to the application arose from a crime which was promptly reported to a proper law enforcement agency; the extent of the out-of-pocket losses sustained as a direct result of such crime; that the victim did not, by his/her acts, contribute to the injuries suffered; and the victim's need for job retraining or similar employment-oriented services.

Authority: Section 13968, Government Code.

Reference: Section 13964, Government Code.

649.5 Definition of Resident of California.

For purposes of this article, means resident of this state as defined in Title 1, Division 1, Chapter 2, Article 1, of the California Government Code.

Authority: Section 13968, Government Code.

Reference: Section 241, Section 13960, Government Code.

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649.6 Burden of Proof of Residency.

It shall be the responsibility of the applicant to prove that the applicant and the person whose injury or death gave rise to the application were residents of California, as defined in Section 649.5 at the time of the incident.

Authority: Section 13968, Government Code.
Reference: Section 13960, Government Code.

649.7 Duty of Local Law Enforcement Agencies.

Notice of the Victim of Crime Act shall be given by local law enforcement agencies either in person or by mail, or in conjunction with local Victim Witness Assistance Centers, to all victims of violent crimes or their dependents at the time of the incident or as soon as possible thereafter. The notice as required by Government Code Section 13968(c) shall be given in accordance with the written procedures developed by the agency pursuant to Section 649.8 of this article. In addition, new officers shall be advised by their superiors upon entering service of the particulars of the Victim Compensation Program. Instruction concerning the program shall be made a part of the training curriculum for all trainee officers.

Authority: Section 13920, Government Code.
Reference: Section 13968, Government Code.

649.8 Victim of Crimes Liaison Officer:

Each local law enforcement agency shall designate a Victims of Crime Liaison Officer. The State Board of Control shall be advised of the name, business address and telephone number of the person appointed. In carrying out the agency's responsibility under California Government Code Section 13968(c) and Section 649.7 of this article, the Liaison Officer shall devise and implement written procedures whereby victims, or their dependents or family, are notified and provided forms for filing under the Victim Compensation Program. These procedures shall be available for examination, upon request, by the State Board of Control. It shall also be the responsibility of the Liaison Officers or their designees to respond to inquiries from interested persons concerning procedures for filing a claim under this program. Liaison Officers or their designees shall provide to interested persons application forms supplied by the State Board of Control explaining the Victims Compensation Program.

Authority: Section 13920, Government Code.
Reference: Section 13968, Government Code.

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