

Title 2. California Victim Compensation Board
Article 5. Indemnification of Victims of Crime
Title 2, §§ 649.4, 649.7, 649.15, 649.16, 649.18, 649.19, 649.24, 649.28, 649.50

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

CalVCB was the first established and remains one of the largest victim compensation programs in the nation. A person is eligible for victim compensation if, as a direct result of a qualifying crime, they suffered a pecuniary loss. (Gov. Code, §§ 13955, 13957.) “Crime” is defined as a crime or public offense that would constitute a misdemeanor or felony offense. (Gov. Code, § 13951, subd. (b).) A crime is a “qualifying crime” for purposes of the California Victim Compensation Board (CalVCB), if the victim sustained a physical injury or an emotional injury and a threat of physical injury. (Gov. Code, § 13955, subd. (f)(1) & (2).) Victims of sexual assault, human trafficking, child molestation, or child abuse are only required to show they sustained an emotional injury. (Gov. Code, § 13955, subd. (f)(3).) An application for compensation must be filed within seven years of the qualifying 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, whichever is later. (Gov. Code, § 13953, subd. (a).) The Board may for good cause grant an extension of the time period to file an application. (Gov. Code, § 13953, subd. (b).) An applicant may be found to be ineligible for compensation if they failed to reasonably cooperate with a law enforcement agency in the apprehension and conviction of the person who committed the qualifying crime or were involved in the events leading to the qualifying crime. (Gov. Code, § 13956.)

If CalVCB determines a qualifying crime occurred, CalVCB can help pay certain bills and expenses, as authorized by the Legislature, that are a direct result of the crime the application was based on. (Gov. Code, §13957.) Eligible services include medical and dental care, mental health services, income loss, funeral and burial expenses, relocation, and residential security, among others enumerated in statute. (Gov. Code, § 13957.) However, CalVCB is a payor of last resort, meaning that, if a person is eligible for compensation, CalVCB provides compensation for costs that are not covered by other sources. (Gov. Code, §§ 13951 and 13954.)

The regulations governing victim compensation (Cal. Code Regs., tit. 2, §§ 601 et seq.) have not been significantly revised since 2012. As a result, several modifications are needed to provide clarity, transparency, and consistency. The revision of Section 649.4 clarifies when a felon is eligible for compensation. The revision of Section 649.7 clarifies the requirements for a complete application. The revision of Section 649.15 provides additional factors that may be considered as good cause for filing applications beyond the statutory deadline. The revision of Section 649.16 clarifies who qualifies as a derivative victim. The revision of Section 649.18 identifies ineligible funeral and burial expenses and clarifies the order of payment when there are multiple applications related to a single decedent. The revision of Section 649.19 clarifies the evidence that will be considered and payments that may be made to improve or restore residential security. The revision of Section 649.24 clarifies and expands on the circumstances that may render service providers ineligible for reimbursement. The revision of Section 649.28 clarifies and expands on CalVCB’s ability to oversee medical, medical-related, and mental health providers who seek reimbursement from CalVCB for services provided.

The revision of Section 649.50 clarifies when a person is eligible or ineligible for compensation due to their involvement in a vehicle-related qualifying crime.

BENEFITS

The proposed regulations comply with the current law governing victim compensation, clarify existing policies and practices, and provide the public with the specificity needed for applicants to successfully obtain compensation. The regulations also interpret and implement general aspects of the law, to ensure their consistent application in specific circumstances. By doing so, they will provide clear guidance to the public and enable the Board to decide these claims in a more uniform and efficient manner.

PURPOSE

Section 649.4: The purpose of this revised regulation is to clarify the requirements to accept applications from violent felons, sex offenders and individuals who are incarcerated in a correctional facility. This regulation will also clarify when an individual regains eligibility for benefits after satisfaction of all sentencing requirements. The purpose of the deletion of Section 13974 and inclusion of 13920 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific purpose of each subdivision follows.

- **Section 649.4, subdivision (a):** The revised subdivision clarifies that this subdivision only applies to violent felons as defined in Penal Code section 667.5, subdivision (c), sex offenders who are required to register according to Penal Code section 290, and incarcerated individuals. This revision expands the word “accept” to include “review and determine eligibility” to clarify the process for the public. The revised regulation retains the requirement that applications from these populations must be accepted in the same manner as other applicants. The changes do not materially alter any provision of this Section.
- **Section 649.4, subdivision (b):** This revised subdivision simplifies the language of prior subdivision (b) to clarify that persons convicted under Penal Code section 667.5, subdivision (c), cannot be awarded any compensation from the Board while they are incarcerated, on parole, probation, mandatory supervision, or post-release community supervision. The simplified language makes the purpose of the subdivision clearer and more accessible to the public. This provision is largely the same as the provision formerly numbered Section 649.4, subdivision (b). The changes do not materially alter any provision of this Section.
 - **Section 649.4, subdivision (b)(1):** The revised subdivision clearly state which individuals are not eligible for compensation during the specified period.
 - **Section 649.4, subdivision (b)(2):** The revised subdivision clearly state which individuals are not eligible for compensation during the specified period.
- **Section 649.4, subdivision (c):** The revised subdivision retains the requirement that an individual who is required to register pursuant to Penal Code section 290 shall not be awarded any benefits by the Board while required to register. The

simplified language makes the purpose of the subdivision clearer and more accessible to the public. The purpose of the deletion of the sentence of “parole” includes “supervised release” is for the simplification of the language. The changes do not materially alter any provision of former Section 649.4, subd. (b).

- **Section 649.4, subdivision (d):** This added subdivision clarifies that an individual convicted under Penal Code section 667.5, subdivision (c), may receive benefits after the individual is released from a correctional facility and/or discharged from probation, parole, mandatory supervision, or post-release community supervision. The simplified language makes the purpose of the subdivision clearer and more accessible to the public. The changes do not materially alter any provision of former Section 649.4, subd. (b).
- **Section 649.4, subdivision (e):** This added subdivision clarifies an individual may obtain benefits after they are no longer required to register under Penal Code section 290. This subdivision is necessary due to the new tiered sex offender registration requirements enacted under Penal Code section 290, subdivision (d). The simplified language makes the purpose of the subdivision clearer and more accessible to the public. The changes do not materially alter any provision of former Section 649.4, subd. (b).
- **Section 649.4, subdivision (f):** This added subdivision further clarifies that the Board will not compensate an applicant for expenses incurred due to death or injury while the person is incarcerated. The example provides further transparency to the public.

Section 649.7: The purpose of this revised regulation is to clarify and explain what information must be included for an application filed with the Board to be deemed complete and to adopt digital signature standards consistent with current statutes and case law. This revision also adds standards for determining when a summary may be provided in lieu of a crime report. The purpose of the deletion of Section 13974 and inclusion of 13920 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific purpose of each subdivision follows.

- **Section 649.7, subdivision (a):** The revised subdivision clarifies the information that must be provided in an application for the application to be deemed complete.
 - **Section 649.7, subdivision (a)(1):** The revised subdivision clarifies the applicant’s name, contact information, and birthdate must be provided.
 - **Section 649.7, subdivision (a)(2):** The revised subdivision expands on the designations an applicant may use to identify their relationship to the victim or derivative victim. The changes do not materially alter any provision of this Section.
 - **Section 649.7, subdivision (a)(3):** The revised subdivision explains that supporting documentation is required as to the person’s legal authority to apply for benefits on behalf of a victim.

- **Section 649.7, subdivision (a)(4):** No revisions to this subdivision are proposed.
- **Section 649.7, subdivision (a)(5):** The revised subdivision clarifies the documentation required to establish pecuniary loss, consistent with existing statutes, and eliminates examples and other language to prevent confusion.
- **Section 649.7, subdivision (a)(6):** The added subdivision requires applications be signed under penalty of perjury and clarifies that victims and derivative victims must attest the information is true and correct to the best of their knowledge, while representatives need only attest to their information and belief.
- **Section 649.7, subdivision (a)(7):** The revised subdivision is renumbered to accommodate addition of another subdivision and changes “VCP” to “Board” for consistency.
- **Section 649.7, subdivision (a)(8):** The added subdivision allows the Board to accept electronic signatures if they meet certain criteria, consistent with existing statutes and case law.
 - **Section 649.7, subdivision (a)(8)(A):** The added subdivision specifies an electronic signature must be unique.
 - **Section 649.7, subdivision (a)(8)(B):** The added subdivision specifies an electronic signature must be verifiable.
 - **Section 649.7, subdivision (a)(8)(C):** The added subdivision specifies an electronic signature must be made by the person who is purporting to sign the application.
- **Section 649.7, subdivision (a)(9):** The revised subdivision is renumbered to accommodate a new subdivision and clarifies that, if the applicant is represented by counsel, their attorney’s information, including their bar number, must be included in the application.
- **Section 649.7 subdivision (a)(10):** The revised subdivision is renumbered to accommodate a new subdivision and changes “VCP” to “Board” for consistency throughout the regulatory scheme. The revision also includes a requirement that the applicant provide the name of their attorney, if they are pursuing damages in civil proceedings.
- **Section 649.7, subdivision (a)(11):** The revised subdivision is renumbered to accommodate a new subdivision and changes “VCP” to “Board” for consistency throughout the regulatory scheme.
- **Section 649.7, subdivision (a)(12):** The revised subdivision is renumbered to accommodate a new subdivision and adds a requirement that the application include a statement detailing any collateral benefits

that are or may be available to the victim and provides examples of such benefits for clarity.

Section 649.7, subdivision (b): The revised subdivision includes the phrase Government Code to clarify the provision cited in this subdivision.

- **Section 649.7, subdivision (b)(1):** The revised subdivision explains the applicant must provide information about service providers if they are requesting compensation for professional services.
- **Section 649.7, subdivision (b)(2):** The revised subdivision cross references Section 649.32 to clarify the documentation required for an applicant seeking compensation for loss of income.
- **Section 649.7, subdivision (b)(3):** The revised subdivision explains funeral and burial expenses must be a direct result of the qualifying crime and an itemized statement must be provided.
- **Section 649.7, subdivision (b)(4):** The revised subdivision cites to the correct provision, as the formerly cited provision no longer exists.
- **Section 649.7, subdivision (c):** The revised subdivision requires a crime report be provided in order for an application to be deemed complete and, in the event the applicant or their representative is unable to obtain a crime report, authorizes the Board to obtain the report for them.
- **Section 649.7, subdivision (d):** The revised subdivision allows applicants to provide or the Board to obtain a summary report in lieu of a crime report, if it adheres to the following enumerated standards. The former subsection is deleted as its requirements are moved to (a)(6).
 - **Section 649.7, subdivision (d)(1):** The added subdivision specifies that, to be accepted in lieu of a crime report, the summary report must be signed by a law enforcement officer who has personal knowledge of the investigation.
 - **Section 649.7, subdivision (d)(2):** The added subdivision specifies that, to be accepted in lieu of a crime report, the summary report must provide facts sufficient to support its conclusions.
 - **Section 649.7, subdivision (d)(3):** The added subdivision specifies that, to be accepted in lieu of a crime report, the summary report must include information identifying the officers' and law enforcement agency's identifying information.

Section 649.15: The purpose of this revised subdivision is to expand the circumstances in which an applicant may submit a request for relief from the period of limitations for filing an application and clarify the considerations used to assess good cause. The purpose of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific purpose for each subdivision follows.

- **Section 649.15, subdivision (a):** The revised subdivision details the procedure that must be used to submit a request for relief from the period of limitations for filing an application. The revision also replaces the term “petition” with “request” for accuracy. The revision replaces the term “his or her” with “their” for inclusivity. The revision replaces “30 days” with “30 calendar days” for clarity and consistency. Finally, the revision replaced “in subsection (b)” with specific language.
- **Section 649.15, subdivision (b):** The added subdivision requires an applicant submit, along with their request for relief and accompanying statement, documentation necessary for the Board to verify the applicant’s justification for the late filing, if any are available.
- **Section 649.15, subdivision (c):** The revised subdivision removes language duplicated in Government Code section 13953, subdivision (b)(1) and (2) and identifies other factors the Board has discretion to consider when determining when good cause exists.
 - **Section 649.15, subdivision (c)(1):** The revised subdivision allows the Board to consider the physical, emotional, psychological, or developmental condition of the victim when determining whether good cause was shown.
 - **Section 649.15, subdivision (c)(2):** The revised subdivision allows the Board to consider whether the victim sought treatment for interpersonal crimes upon which the application is based within one year of the filing date when determining whether good cause was shown.
 - **Section 649.15, subdivision (c)(3):** The added subdivision allows the Board to consider whether a victim incurred a new pecuniary loss within one year of the filing date when determining whether good cause was shown.
- **Section 649.15, subdivision (e):** The revised subdivision replaces “VCP” with “Board” for consistency.
- **Section 649.15, subdivision (f):** The revised subdivision replaces the word “petition” with “request” for accuracy and consistency. It also replaces “his or her” with “their” for inclusivity.

Section 649.16: The purpose of this revised regulation is to clarify the relationship between a victim and derivative victim’s applications, and the limitations on a derivative victim’s application for compensation. The purpose of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific need for each subdivision follows.

- **Section 649.16, subdivision (a):** The revised subdivision clarifies the period of limitation for filing an application for derivative victims’ applications.

- **Section 649.16, subdivision (b):** No revisions to this subdivision were proposed.
- **Section 649.16, subdivision (c):** The added subdivision clarifies that a derivative victim’s application will be denied if the direct victim’s application is denied for lack of a qualifying crime.
- **Section 649.16, subdivision (d):** The added subdivision explains that a derivative victim is eligible for compensation regardless of whether the direct victim has applied for compensation.
- **Section 649.16, subdivision (e):** The added subdivision clarifies that an applicant cannot be both a direct victim and a derivative victim.

Section 649.18: The purpose of this revised regulation is to clarify what funeral and burial expenses can be reimbursed. The specific purpose for each subdivision follows.

- **Section 649.18, subdivision (a):** The revised subdivision explains the types of funeral and burial expenses that may be reimbursed. This subdivision removed “As funeral practices vary across cultures” and “traditional” for inclusivity.
 - **Section 649.18, subdivision (a)(1):** The revised subdivision is clearer and more concise, as it no longer includes the unnecessary phrase “expenses for” and adds a previously omitted hyphen.
 - **Section 649.18, subdivision (a)(2):** The revised subdivision is clearer and more concise, as it no longer includes an unnecessary comma or the superfluous phrase “expenses for.”
 - **Section 649.18, subdivision (a)(3):** No revisions to this subdivision were proposed.
 - **Section 649.18, subdivision (a)(4):** No revisions to this subdivision were proposed.
- **Section 649.18, subdivision (b):** The revised subdivision adds “alcoholic beverages” to the list of expenses that are not reimbursable by the Board for processing transparency. The word “CalVCB” is also replaced with “Board” for consistency.
- **Section 649.18, subdivision (c):** The revised subdivision clarifies that the Board is not authorized to exceed the statutory maximum for funeral and burial expenses when there is more than one application for the same deceased victim. It also clarifies and explains the order in which bills will be paid when there are multiple bills and applicants. It specifies that eligible bills will be paid in the order in which they are received.

Section 649.19: The purpose of this revised regulation is to clarify the evidence needed to approve residential security expenses. The purpose of the deletion of Section 13974

of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific purpose for each subdivision follows.

- **Section 649.19, subdivision (a):** The revised subdivision expands on the examples of covered residential security costs. The revision also clarifies expenses must be directly related to the crime to conform with statute.
 - **Section 649.19, subdivision (a)(1)-(5):** No changes were proposed to this subdivision.
 - **Section 649.19, subdivision (a)(6):** The added subdivision expands the list of covered expenses to include the replacement of doors and windows that are damaged during the crime and necessary to secure the premises.
- **Section 649.19, subdivision (b):** No changes were proposed to this subdivision.
- **Section 649.19, subdivision (c):** The addition of this subdivision clarifies what evidence is required to be eligible for reimbursement of residential security.
 - **Section 649.19, subdivision (c)(1):** The added subdivision explains that victims may be eligible for residential security if the crime occurred in their home.
 - **Section 649.19, subdivision (c)(2):** The added subdivision explains that victims may be eligible for residential security if they obtained an Emergency Protective Order, Temporary Restraining Order, or Restraining Order After Hearing against the suspect.
 - **Section 649.19, subdivision (c)(3):** The added subdivision explains that victims may be eligible for residential security if a mental health provider or law enforcement official determined the expense is necessary as a direct result of the crime.

Section 649.24: The purpose of this revised regulation is to clarify and expand the circumstances under which a provider may be found ineligible for reimbursement, explain the consequences of such a finding, and designate the process for challenging a finding of ineligibility. The purpose of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific purpose for each subdivision follows.

- **Section 649.24, subdivision (a):** The revised subdivision explains what acts or omissions may result in finding a provider is ineligible for reimbursement.
 - **Section 649.24, subdivision (a)(1):** The added subdivision authorizes the Board to find a provider ineligible for reimbursement when the provider does not provide documentation necessary for the Board to ensure payment is authorized by existing laws and regulations. This provision is largely the same as the provision formerly numbered Section 649.24, subdivision (a).

- **Section 649.24, subdivision (a)(2):** The added subdivision authorizes the Board to find a provider ineligible for reimbursement when the provider does not provide documentation necessary for the Board to confirm the victim or derivative victim actually received the services for which the provider is seeking reimbursement.
- **Section 649.24, subdivision (a)(3):** The added subdivision authorizes the Board to find a provider ineligible for reimbursement when the provider provides, or causes someone else to provide, false information to the Board.
- **Section 649.24, subdivision (a)(4):** The added subdivision authorizes the Board to find a provider ineligible for reimbursement when the provider misrepresents the victim's or derivative victim's disability, injury, or other need for treatment or services.
- **Section 649.24, subdivision (a)(5):** The added subdivision, formerly numbered Section 649.24, subdivision (b), authorizes the Board to find a provider ineligible for reimbursement when the provider fails to comply with the rules and practices required by their licensing, oversight, or governing bodies.
- **Section 649.24, subdivision (a)(6):** The added subdivision authorizes the Board to find a provider ineligible for reimbursement when the provider's conduct does not comply with other statutes or regulations governing their conduct in connection with a claim pending before the Board.
- **Section 649.24, subdivision (a)(7):** The added subdivision authorizes the Board to find a provider ineligible for reimbursement if the provider has failed to comply with a corrective action plan and clarifies that a provider may be found ineligible for reimbursement based upon the other, enumerated circumstances, even if no corrective action plan was imposed.
- **Section 649.24, subdivision (b):** The revised subdivision defines the scope of a finding a provider is ineligible for reimbursement, authorizes the Board to rely on a prior finding a provider is ineligible for reimbursement when considering other pending or future claims submitted by that provider, and clarifies that a provider's ineligibility for reimbursement does not necessarily bar reimbursement of a victim or derivative victim.
- **Section 649.24, subdivision (c):** The added subdivision specifies the information that must be included in the Board's notice to the provider of a finding of ineligibility and the time limitations for challenging a finding of ineligibility. It explains that, if no challenge is lodged within the prescribed time, the finding is final.
- **Section 649.24, subdivision (d):** The added subdivision explains the procedures for challenging a finding of ineligibility by way of an informal hearing

before the Board. This includes the process for scheduling the informal hearing, which may be on the written record, after which the hearing officer will draft a proposed decision for the Board's consideration. This subdivision also confirms the Board's decision is final upon its vote to adopt or reject the proposed decision on the issue of ineligibility.

- **Section 649.24, subdivision (e):** The added subdivision explains that the Board's final decision of ineligibility for reimbursement is subject to review only by a writ of mandate, which must be initiated by the provider by filing a petition for writ of mandate.

Section 649.28: The purpose of this revised regulation is to expand the Board's current authority to audit outpatient mental health counseling providers to include all medical, medical-related, and mental health providers. This Section further authorizes the Board to impose a corrective action plan for providers under specified circumstances, the scope of the corrective action plan, and the consequences of failing to comply with the corrective action plan. Finally, this provision explains the procedures for challenging imposition of a corrective plan and clarifies that, while all providers *may* be audited, not all providers necessarily will be audited. The specific purpose for each subdivision follows.

- **Section 649.28, subdivision (a):** The revised subdivision broadens the scope of this provision to allow the Board to perform clinical or fiscal audits of a broader array of service providers, in the event additional oversight is needed for medical, medical-related, or mental health providers, as opposed to just mental health counseling providers. This revision also replaces the mandatory language that all providers "shall" be subject to audit with permissible language that all providers "may" be audited.
- **Section 649.28, subdivision (b):** The revised subdivision replaces the term "staff" with "Board" for consistency throughout these regulations.
- **Section 649.28, subdivision (c):** The added subdivision specifies the seven circumstances under which a corrective action plan may be imposed, which provides notice to providers of the acts or omissions that will warrant imposition of a corrective action plan and ensures uniform imposition of corrective action plans among providers.
 - **Section 649.28, subdivision (c)(1):** The added subdivision authorizes imposition of a corrective action plan when a provider fails to comply with a clinical or fiscal audit.
 - **Section 649.28, subdivision (c)(2):** The added subdivision authorizes imposition of a corrective action plan when a provider fails to submit requested documentation to verify the victim's loss or injury.
 - **Section 649.28, subdivision (c)(3):** The added subdivision authorizes imposition of a corrective action plan when a provider fails to submit requested documentation to verify services rendered.

- **Section 649.28, subdivision (c)(4):** The added subdivision authorizes imposition of a corrective action plan when a provider submits false information to the Board.
- **Section 649.28, subdivision (c)(5):** The added subdivision authorizes imposition of a corrective action plan when a provider misrepresents the victim's injury, disability, or other need for services.
- **Section 649.28, subdivision (c)(6):** The added subdivision authorizes imposition of a corrective action plan when a provider fails to comply with the statutes and regulations established by their licensing, oversight, or governing bodies.
- **Section 649.28, subdivision (c)(7):** The added subdivision authorizes imposition of a corrective action plan when a provider fails to comply with any statutes or regulations governing claims before the Board.
- **Section 649.28, subdivision (d):** The added subdivision explains a corrective action plan must specify the conduct or circumstances that warranted imposition of a corrective action plan, the method by which the provider must correct the noncompliance, and the deadline for doing so.
- **Section 649.28, subdivision (e):** The added subdivision ensures providers are afforded notice of the corrective action plan and the time limits for challenging imposition of a corrective plan, as well as the fact that imposition of the corrective action plan is automatic if unchallenged.
 - **Section 649.28, subdivision (e)(1):** The added subdivision explains the procedures for challenging the imposition of a corrective action plan by way of an informal hearing before the Board. This includes the process for scheduling the informal hearing, which may be on the written record, after which the hearing officer will draft a proposed decision for the Board's consideration. This subdivision confirms that the Board's decision on whether to adopt or deny the proposed decision concerning the imposition of a corrective action plan is not subject to further administrative review, such as reconsideration or appeal.
 - **Section 649.28, subdivision (e)(2):** The added subdivision notifies providers that the Board's decision to impose a corrective action plan does not amount to a final decision subject to review by writ of mandate. As such, the provider must satisfy administrative remedies either by complying with the corrective action plan, in which case the corrective action plan will expire, or by failing to comply with the corrective action plan, in which case the provider may be found ineligible for reimbursement, which is a final decision subject to review by writ of mandate.
- **Section 649.28, subdivision (f):** The added subdivision notifies providers that failure to comply with a corrective action plan may result in a finding they are ineligible for reimbursement, as is further discussed in Section 649.24, *supra*.

Section 649.50: The purpose of this revised regulation is to clarify the language and eliminate unnecessary words. The purpose of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific purpose of each subdivision follows.

- **Section 649.50, subdivision (a):** The revised subdivision removes unnecessary language to promote clarity. The simplified language makes the purpose of the subdivision clearer and more accessible to the public. The changes do not materially alter any provision of this Section.
 - **Section 649.50, subdivisions (a)(1)-(4):** No revisions to this subdivision were proposed.
- **Section 649.50, subdivision (b):** The revised subdivision removes unnecessary language to promote clarity. The simplified language makes the purpose of the subdivision clearer and more accessible to the public. The changes do not materially alter any provision of this Section.
 - **Section 649.50, subdivisions (b)(1)-(2):** No revisions to this subdivision were proposed.
- **Section 649.50, subdivision (c):** The revised subdivision clarifies this Section only applies to passengers in a vehicle.
 - **Section 649.50, subdivision (c)(1):** The revised subdivision removes the 14-year-old age limitation to ensure all similarly situated minors are treated equitably.
 - **Section 649.50, subdivision (c)(2):** The revised subdivision clarifies that an applicant who is eligible for benefits under this subdivision may only receive funeral and/or burial expenses.
- **Section 649.50, subdivision (d):** The revised subdivision adds “California” in front of the Vehicle Code reference for consistency and removes superfluous language.
 - **Section 649.50, subdivision (d)(1):** The revised subdivision changes “and” to “or” for clarity.
 - **Section 649.50, subdivision (d)(2):** The revised subdivision clarifies that an individual can be involved if they are also a primary cause of the qualifying crime.
- **Section 649.50, subdivision (e):** The revised subdivision adds subdivision (d) to the involvement factors listed in subdivisions (a) and (b). The changes do not materially alter any provision of this Section.

NECESSITY

As detailed below, the proposed regulations and revisions are needed to clarify, specify, and provide transparency of current policies and procedures. The regulations are also needed to interpret and implement general aspects of the law, which will provide clear guidance to the parties and ensure consistent decisions by the Board.

Section 649.4: The revision is necessary to clarify the requirements to accept applications from violent felons, sex offenders and individuals who are incarcerated in a correctional facility. The revision clarifies when an individual regains eligibility for benefits after satisfaction of all sentencing requirements. The necessity of the deletion of Section 13974 and inclusion of 13920 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific need for each subdivision follows.

- **Section 649.4, subdivision (a):** The revision is necessary to clarify that this subdivision only applies to violent felons as defined in Penal Code section 667.5, subdivision (c), sex offenders who are required to register according to Penal Code section 290 and incarcerated individuals. The addition of “review and determine eligibility” is necessary to provide transparency of the application process to the public. The proposed revision retains the requirement that applications from these populations must be accepted in the same manner as other applicants.
- **Section 649.4, subdivision (b):** The revision is necessary to simplify the regulatory language to clarify that persons convicted under Penal Code section 667.5, subdivision (c), cannot be awarded any compensation from the Board while they are incarcerated, on parole, probation, mandatory supervision, or post-release community supervision. The simplified language makes the purpose of the subdivision clearer and more accessible to the public.
 - **Section 649.4, subdivision (b)(1):** The revision is necessary to clearly states which individuals are not eligible for compensation during the specified period.
 - **Section 649.4, subdivision (b)(2):** The revision is necessary to clearly states which individuals are not eligible for compensation during the specified period.
- **Section 649.4, subdivision (c):** The revision is necessary to retain the requirement that an individual who is required to register pursuant to Penal Code section 290 is ineligible for compensation by the Board while required to register. The deletion of the sentence of “parole” includes “supervised release” is necessary for simplification of the language. The simplified language makes the purpose of the subdivision clearer and more accessible to the public.
- **Section 649.4, subdivision (d):** The revision is necessary to clarify that an individual convicted under Penal Code section 667.5, subdivision (c), may receive benefits after the individual is released from a correctional facility and/or discharged from probation, parole, mandatory supervision, or post-release

community supervision. The simplified language makes the purpose of the subdivision clearer and more accessible to the public.

- **Section 649.4, subdivision (e):** The revision is necessary to allow an individual to obtain benefits after they are no longer required to register under Penal Code section 290. This subdivision is necessary due to the new tiered sex offender registration requirements enacted under Penal Code section 290, subdivision (d).
- **Section 649.4, subdivision (f):** The revision is necessary to clarify a victim cannot be compensated if expenses are incurred while they are incarcerated. The example is necessary to provide further transparency to the public.

Section 649.7: The revision to this regulation is necessary to clarify and explain what information must be included for an application to be deemed complete and to adopt digital signature standards consistent with current statutory and case law. This revision also adds standards for determining when a summary may be provided in lieu of a crime report. The necessity of the deletion of Section 13974 and inclusion of 13920 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific need for each subdivision follows.

- **Section 649.7(a):** The proposed change to this subdivision is necessary for clarity. The provision that applications shall be certified under penalty of perjury was moved to Section 649.7, subdivision (a)(6).
 - **Section 649.7, subdivision (a)(1):** The revised subdivision is necessary for clarity. The changes do not materially alter any provision of this Section, which states that an applicant must provide their name and contact information.
 - **Section 649.7, subdivision (a)(2):** The revised subdivision is necessary for clarity. The changes do not materially alter any provision of this Section which states the applicant must designate whether they are a victim, derivative victim, or a person who legally assumed the obligation to pay for a deceased victim's medical or funeral and burial expenses.
 - **Section 649.7, subdivision (a)(3):** The revised subdivision is necessary to explain that supporting documentation is required as to the person's legal authority to apply for benefits on behalf of a victim.
 - **Section 649.7, subdivision (a)(4):** No changes were made to this subdivision.
 - **Section 649.7, subdivision (a)(5):** This revised subdivision is necessary because it removes the examples of pecuniary losses because the list was not exhaustive and could unnecessarily confuse the public. Additionally, the revision is necessary to be consistent with statute by requiring the provider to affirm that professional services were received and that they were necessary as a direct result of the qualifying crime. Other changes to this subdivision were made for clarification purposes only.

- **Section 649.7, subdivision (a)(6):** This revision is necessary because it clarifies which applicants must sign their applications under penalty of perjury to the best of their knowledge and allows authorized representatives to attest only under “information and belief,” as authorized representatives are unable to attest to the “truth” or “correctness” of the statements themselves.
- **Section 649.7, subdivision (a)(7):** The revision is necessary because the change from “VCP” to “Board” provides clarity and consistency throughout the regulatory scheme. The revision also updates the numbering of this subdivision to consecutively follow the previous subdivision.
- **Section 649.7, subdivision (a)(8):** The addition is necessary to allow the Board to accept digital signatures if they meet certain criteria, consistent with existing statutory and case law.
 - **Section 649.7, subdivision (a)(8)(A):** The added subdivision is necessary as it specifies an electronic signature must be unique.
 - **Section 649.7, subdivision (a)(8)(B):** The added subdivision is necessary as it specifies an electronic signature must be verifiable.
 - **Section 649.7, subdivision (a)(8)(C):** The added subdivision is necessary as it specifies an electronic signature must be made by the person who is purporting to sign the application.
- **Section 649.7, subdivision (a)(9):** The revised subdivision is necessary solely for clarity. The changes do not materially alter any provision of this Section, which requires the applicant to include the name, address, telephone number and California State Bar license number of any attorney representing the applicant. The revision is also necessary because it updates the numbering of this subdivision to consecutively follow the previous subdivision.
- **Section 649.7 subdivision (a)(10):** The revised subdivision is necessary solely for clarity. The changes do not materially alter any provision of this Section, which requires the applicant to identify any civil action initiated to recover monetary damages from the perpetrators of the qualifying crime. The revision is also necessary because it updates the numbering of this subdivision to consecutively follow the previous subdivision.
- **Section 649.7, subdivision (a)(11):** The revised subdivision is necessary because to change “VCP” to “Board” for consistency throughout the regulatory scheme.
- **Section 649.7, subdivision (a)(12):** The revised subdivision is necessary solely for clarity. The proposed changes do not materially alter any provision of this Section, which clarifies that the applicant must disclose all collateral benefits the victim, the victim’s survivors, or derivative victim

have applied for or may be eligible for in their application. The revision is also necessary because it updates the numbering of this subdivision to consecutively follow the previous subdivision.

- **Section 649.7, subdivision (b):** The revised subdivision is necessary to clarify the specific code referenced in the subdivision. The changes do not materially alter any provision in this subdivision.
 - **Section 649.7, subdivision (b)(1):** The revised subdivision is necessary to explain the applicant must provide information about service providers if they are requesting compensation for professional services.
 - **Section 649.7, subdivision (b)(2):** The revised subdivision is necessary because it lists the required evidence an applicant must provide if they are claiming loss of income as a result of a qualifying crime. The change is also necessary because it references the California Code of Regulations, title 2, Section 649.32 for clarity. That previously promulgated Section sets verification requirements regarding loss of income reimbursement, among other provisions.
 - **Section 649.7, subdivision (b)(3):** The revised subdivision is necessary solely for clarity. The changes do not materially alter any provision of this Section, which requires an applicant to provide an itemized statement for all funeral or burial expenses incurred as a direct result of a qualifying crime.
 - **Section 649.7, subdivision (b)(4):** The revised subdivision is necessary because it identifies the requirements an applicant must meet to obtain rehabilitative services. The revised subdivision is also necessary because it will correct a citation error. The subdivision previously cited, California Code of Regulations, title 2, Section 649.24, subdivision (c), which does not exist. The correct regulatory Section to be referenced is Section 649.25.
- **Section 649.7, subdivision (c):** The revised subdivision is necessary solely for clarity. The changes do not materially alter any provision in this Section. Removing the acronyms “VOC” and “VCB” and replacing them with references to the “Board” is necessary for uniformity throughout the applicable regulatory scheme.
- **Section 649.7, subdivision (d):** This revised subdivision is necessary because it clarifies that the Board may accept a summary report from law enforcement if certain criteria are met. The former subsection is deleted as its requirements are moved to (a)(6). The specific need for each subdivision follows.
 - **Section 649.7, subdivision (d)(1):** This revised subdivision is necessary to clarify that the summary crime report must be signed and dated by a law enforcement officer with personal knowledge of the investigation.

- **Section 649.7, subdivision (d)(2):** The revised subdivision is necessary to clarify that the summary crime report must provide sufficient, specific facts to support any findings or conclusions reached.
- **Section 649.7, subdivision (d)(3):** The revised subdivision is necessary to clarify that the summary crime report must include the officer's title and badge number, the law enforcement agency name, phone number and address.

Section 649.15: The revision to this regulation is necessary to clarify the procedure for requesting relief from the time limitations for filing an application and to expand upon the list of factors that may be considered when determining whether the applicant showed good cause for filing an application beyond the statutory deadline. This revision was also necessary to remove provisions duplicating the Government Code. The specific need for each subdivision follows.

- **Section 649.15, subdivision (a):** The revision is necessary to explain the process by which an applicant may submit a request for relief from the period of limitations on grounds of good cause. This subdivision replaced the term "petition" with "request" for accuracy. This subdivision also replaced the term "his or her" with "their" for inclusivity. This subdivision replaced "30 days" with "30 calendar days" for clarity and consistency. Finally, the revision replaced "in subsection (b)" with specific language.
- **Section 649.15, subdivision (b):** The additions of this subdivision are necessary to ensure that the Board has all necessary documentation to verify the applicant's justification for the late filing in order to make an informed and well-reasoned decision.
- **Section 649.15, subdivision (c):** The changes to this subdivision are necessary to afford the Board greater discretion and to authorize the Board's consideration of other factors, in addition to those mandated by Government Code section 13953, subdivisions (b)(1) and (2), when determining whether good cause exists. This is necessary to expand the grounds upon which the Board may grant an applicant's request for relief consistent with statutory language. This is necessary to ensure applicants are aware of factors that will be considered in evaluating late filed applications and that those factors are consistently applied. The necessity of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The revision is also necessary because it updates the numbering of this subdivision to consecutively follow the previous subdivision.
 - **Section 649.15, subdivision (c)(1):** The addition is necessary to allow the Board to consider the physical, emotional, psychological, or developmental condition of the victim when determining whether there is good cause for their late filing.
 - **Section 649.15, subdivision (c)(2):** The addition is necessary to allow the Board to consider whether the victim sought treatment for interpersonal crimes upon which the application is based within one year of the filing date.

- **Section 649.15, subdivision (c)(3):** The addition is necessary to allow the Board to consider whether a victim incurred a new pecuniary loss within one year of the filing date.
- **Section 649.15, subdivision (d):** The revision is necessary to replace “VCP” with “Board” for consistency throughout the regulatory scheme. The revision is also necessary because it updates the numbering of this subdivision to consecutively follow the previous subdivision.
- **Section 649.15, subdivision (e):** The revision is necessary to replace “petition” with “request” for accuracy and consistency with other subdivisions. It also replaces “his or her” with “their” for inclusivity. The revision is also necessary because it updates the numbering of this subdivision to consecutively follow the previous subdivision.

Section 649.16: The proposed changes to this subdivision are necessary to provide clarity, transparency to the public, and ensure applications are processed consistently. The necessity of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific need for each subdivision follows.

- **Section 649.16, subdivision (a):** The revision to this subdivision is necessary for clarity. The changes do not materially alter any provision of this Section which states that when the Board accepts and files an application that was submitted by, or on behalf of, a victim for a qualifying crime, the period of limitations for filing an application is tolled for derivative victims for the same qualifying crime.
- **Section 649.16, subdivision (b):** No changes were made to this subdivision.
- **Section 649.16, subdivision (c):** The addition of this subdivision is necessary to clarify that the Board shall deny a derivative victim’s application if the Board denies a direct victim’s application for lack of a qualifying crime. This is necessary to provide transparency to the public about application eligibility determinations.
- **Section 649.16, subdivision (d):** The addition of this subdivision is necessary to clarify that the Board shall determine the eligibility of a derivative victim’s application regardless of whether a direct victim has filed an application with the Board. This is necessary to ensure all applications are processed consistently.
- **Section 649.16, subdivision (e):** The addition of this subdivision is necessary because it prevents an applicant from filing two applications for the same qualifying crime by clarifying that an applicant cannot be eligible as both a direct victim and a derivative victim for the same qualifying crime. This is necessary to ensure victims do not exceed the statutory benefit limitations. Additionally, it is necessary so that all applications are processed consistently.

Section 649.18: The revision to this Section is necessary to clarify what funeral and burial expenses can be reimbursed, which expenses cannot be reimbursed, and how

payment will be made when multiple applications are filed on behalf of the same deceased victim. The specific need for each subdivision follows.

- **Section 649.18, subdivision (a):** This subdivision is needed to explain the types of funeral and burial expenses that may be reimbursed. This subdivision removed “As funeral practices vary across cultures” and “traditional” for inclusivity. This revision was necessary because, although the subdivision acknowledged cultural differences in funeral practices, explicitly identifying “traditional” funeral and burial expenses as the type of expenses reimbursed by the Board may be confusing and/or alienating to victims.
 - **Section 649.18, subdivision (a)(1) through (4):** No substantive changes are proposed to these subdivisions.
- **Section 649.18, subdivision (b):** This subdivision is necessary to add “alcoholic beverages” to be consistent with the list of expenses that are not reimbursable by the Board. This subdivision also replaced “CalVCB” with “Board” for consistency throughout the regulatory scheme.
- **Section 649.18, subdivision (c):** This subdivision is necessary to clarify that the Board is not authorized to exceed the statutory maximum for funeral and burial expenses for a deceased victim, even when there is more than one application for the same deceased victim, and to explain how funeral and burial expenses will be paid when more than one application is filed on behalf of the same deceased victim.

Section 649.19: The revisions to this Section are needed to clarify what evidence is necessary to approve residential security expenses. The necessity of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific need for each subdivision follows.

- **Section 649.19, subdivision (a):** The revisions are necessary to expand on the examples of covered residential security costs. The revision is necessary to clarify expenses must be directly related to the crime to conform with statute.
 - **Section 649.19, subdivision (a)(1)-(5):** No changes were proposed to this subdivision.
 - **Section 649.19, subdivision (a)(6):** The addition to the subdivision is necessary to expand the list of covered expenses to include the replacement of doors and windows that are damaged during the crime and necessary to secure the premises.
- **Section 649.19, subdivision (b):** No changes were proposed to this subdivision.
- **Section 649.19, subdivision (c):** The addition of this subdivision is necessary to clarify what evidence is required to be eligible for reimbursement of residential security. This subdivision also replaces “VCP” with “Board” for consistency throughout the regulatory scheme.

- **Section 649.19, subdivision (c)(1):** The addition to the subdivision is necessary to explain and provide transparency that victims may be eligible for residential security if the crime occurred in their home.
- **Section 649.19, subdivision (c)(2):** The addition to the subdivision is necessary to explain and provide transparency that victims may be eligible for residential security if they obtained an Emergency Protective Order, Temporary Restraining Order, or Restraining Order After Hearing against the suspect.
- **Section 649.19, subdivision (c)(3):** The addition to the subdivision is necessary to explain and provide transparency that victims may be eligible for residential security if a mental health provider or law enforcement official determined the expense is necessary as a direct result of the crime.

Section 649.24: The revision to this regulation is necessary to ensure providers have notice of what acts or omissions can lead to a finding they are ineligible for reimbursement from the Board, the impact such a finding of ineligibility may have on other pending or future claims, and the process to challenge a finding of ineligibility. This revision is also necessary for the Board to safeguard the Restitution Fund by deterring and ultimately excluding noncompliant and/or incompetent providers from the victim compensation program. The necessity of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific need for each subdivision follows.

- **Section 649.24, subdivision (a):** The revision to this subdivision is necessary to alert providers what acts or omissions may render them ineligible for reimbursement and to ensure the Board has authority to render such a finding of ineligibility under enumerated circumstances.
 - **Section 649.24, subdivision (a)(1):** The added subdivision is necessary to notify providers they may be found ineligible for reimbursement if they fail to comply with a request for documentation verifying the alleged losses or injuries. This subdivision is also necessary to ensure the Board only reimburses service providers for treatments and services authorized by law.
 - **Section 649.24, subdivision (a)(2):** The added subdivision is necessary to notify providers they may be found ineligible for reimbursement if they fail to comply with a request for documentation verifying the services provided. This subdivision is also necessary to ensure the Board has authority to find a provider ineligible for reimbursement when the claimed services cannot be verified.
 - **Section 649.24, subdivision (a)(3):** The added subdivision is necessary to notify providers they may be found ineligible for reimbursement if they provide, or cause someone else to provide, false information to the Board. This subdivision is also necessary to ensure the Board has authority to find a provider ineligible for reimbursement when they make false representations to the Board.

- **Section 649.24, subdivision (a)(4):** The added subdivision is necessary to notify providers they may be found ineligible for reimbursement if they misrepresent the nature of a victim's or derivative victim's disability, injury, or other need for treatment or services. This subdivision is also necessary to ensure the Board has authority to find a provider ineligible for reimbursement when the provider makes misrepresentations to the Board.
- **Section 649.24, subdivision (a)(5):** The added subdivision is necessary to notify providers they may be found ineligible for reimbursement if they fail to comply with statutes and regulations established by their licensing, oversight, or governing bodies. This subdivision is also necessary to ensure the Board has authority to find a provider ineligible for reimbursement when the provider fails to satisfy the competency requirements of their licensing, oversight, or governing body.
- **Section 649.24, subdivision (a)(6):** The added subdivision is necessary to notify providers they may be found ineligible for reimbursement if they fail to comply with statutes and regulations governing claims before the Board. This subdivision is also necessary to ensure the Board has authority to find a provider ineligible for reimbursement when the provider fails to comply with the Board's own requirements for processing a claim.
- **Section 649.24, subdivision (a)(7):** The added subdivision is necessary to notify providers they may be found ineligible for reimbursement if they fail to comply with a corrective action plan. The specific circumstances under which a corrective action plan may be imposed and challenged are set forth in Section 649.28. This subdivision is also necessary to clarify that a provider may be found ineligible for reimbursement based upon the other enumerated circumstances, even if no corrective action plan was imposed. This subdivision ensures the Board has the authority to find a provider ineligible for reimbursement when the provider fails to comply with a corrective action plan.
- **Section 649.24, subdivision (b):** The revision to this subdivision is necessary to notify providers of the consequences of a finding they are ineligible for reimbursement, which may extend to current and future claims. Providing the Board with a range of authorized consequences is necessary to deter and exclude noncompliant and/or incompetent providers from receiving reimbursement from the victim compensation program. This revision is also needed to confirm that a finding a provider is ineligible for reimbursement will not necessarily bar direct reimbursement to victims or derivative victims for pecuniary loss incurred as a direct result of the crime.
- **Section 649.24, subdivision (c):** The added subdivision is necessary to ensure providers are afforded adequate notice of a finding of ineligibility, as well as the extent and duration of their ineligibility, and the 45-day deadline for challenging the finding. This subdivision is also necessary to ensure providers are afforded notice that, if it is not challenged, a finding of ineligibility will become final.

- **Section 649.24, subdivision (d):** The added subdivision is necessary to establish the procedure for challenging a finding of ineligibility by way of an informal hearing. Specifically, it provides an informal hearing may be scheduled, the matter may be decided on the written record, a hearing officer will draft a proposed decision, and the Board will vote to adopt or reject the proposed decision. This provision is also necessary to provide notice that the Board's vote is a final decision.
- **Section 649.24, subdivision (e):** The added subdivision is necessary to confirm the availability of judicial review after the Board's final decision on the issue of ineligibility and to clarify that this review must be initiated by the provider by filing a petition for writ of mandate.

Section 649.28: The revision in this Section is necessary to expand the Board's current authority to audit outpatient mental health counseling providers to also include medical, medical-related, and mental health providers. The revisions provide necessary confirmation of the Board's authority to not only audit any of these providers, but to also impose a corrective action plan in specified circumstances. The revisions provide needed guidance as to the content of the corrective action plan, the procedure for challenging its imposition, and the consequences of failing to comply. The specific need for each revised subdivision follows.

- **Section 649.28, subdivision (a):** This subdivision, as revised, is needed to broaden the Board's authority to perform clinical or fiscal audits, at its discretion, of all mental health providers as well as all providers of medical and medical-related services. This expanded authority is necessary for the Board to ensure its reimbursements to the many types of providers it pays were authorized by law, and to take corrective action when indicated.
- **Section 649.28, subdivision (b):** This subdivision replaced the term "staff" with "the Board" to ensure uniformity throughout the regulatory scheme.
- **Section 649.28, subdivision (c):** This subdivision is needed to establish the seven circumstances under which a corrective action may be imposed. It is also necessary to ensure providers are afforded adequate notice of the types of acts or omissions that may warrant imposition of a corrective action plan. Finally, these revisions are needed to ensure uniform imposition of corrective action plans among providers.
 - **Section 649.28, subdivision (c)(1):** The added subdivision is necessary to confirm that a corrective action plan may be imposed if the provider fails to comply with a clinical or fiscal audit.
 - **Section 649.28, subdivision (c)(2):** The added subdivision is necessary to confirm that a corrective action plan may be imposed if the provider fails to submit requested documentation to verify the victim's loss or injury.

- **Section 649.28, subdivision (c)(3):** The added subdivision is necessary to confirm that a corrective action plan may be imposed if the provider fails to submit requested documentation to verify services rendered.
- **Section 649.28, subdivision (c)(4):** The added subdivision is necessary to confirm that a corrective action plan may be imposed if the provider submits false information to the Board.
- **Section 649.28, subdivision (c)(5):** The added subdivision is necessary to confirm that a corrective action plan may be imposed if the provider misrepresents the victim's injury, disability, or other need for services.
- **Section 649.28, subdivision (c)(6):** The added subdivision is necessary to confirm that a corrective action plan may be imposed if the provider fails to comply with the statutes and regulations established by their licensing, oversight, or governing bodies.
- **Section 649.28, subdivision (c)(7):** The added subdivision is necessary to confirm that a corrective action plan may be imposed if the provider fails to comply with any statutes or regulations governing claims before the Board.
- **Section 649.28, subdivision (d):** The added subdivision is necessary to confirm the required contents of a corrective action plan and deadline for challenging its imposition. These required contents, in turn, are needed to provide adequate notice to the providers.
- **Section 649.28, subdivision (e):** The added subdivision is necessary to ensure providers are afforded notice of the corrective action plan and the deadline for challenging its imposition. It also explains that the corrective action plan is automatically imposed if unchallenged.
 - **Section 649.28, subdivision (e)(1):** The added subdivision is needed to explain the procedure for challenging the imposition of a corrective action plan by way of an informal hearing before the Board, including the process for scheduling the informal hearing, which may be on the written record, after which the hearing officer will draft a proposed decision for the Board's consideration. This subdivision confirms that the Board's decision on whether to adopt or deny the proposed decision concerning the imposition of a corrective action plan is not subject to further administrative review, such as reconsideration or appeal.
 - **Section 649.28, subdivision (e)(2):** The added subdivision is necessary to notify providers that the Board's decision to impose a corrective action plan does not amount to a final decision subject to review by writ of mandate. As such, the provider must satisfy administrative remedies either by complying with the corrective action plan, in which case the corrective action plan will expire, or by failing to comply with the corrective action plan, in which case the provider may be found ineligible for reimbursement, which is a final decision subject to review by writ of mandate.

- **Section 649.28, subdivision (f):** The added subdivision is necessary to notify providers that failure to comply with a corrective action plan may result in a finding they are ineligible for reimbursement pursuant to Section 649.24.

Section 649.50: The revision is necessary to clarify the language of the existing and eliminate unnecessary words. The necessity of the deletion of Section 13974 of the Government Code is for specificity as to the authority for promulgation of the regulations. The specific need of each subdivision follows.

- **Section 649.50, subdivision (a):** The revision is necessary to simplify language to promote clarity. The simplified language makes the purpose of the subdivision clearer and more accessible to the public. The changes do not materially alter any provision of this Section.
 - **Section 649.50, subdivisions (a)(1)-(4):** No revisions to this subdivision were proposed.
- **Section 649.50, subdivision (b):** The revision is necessary to simplify the language to promote clarity. The simplified language makes the purpose of the subdivision clearer and more accessible to the public. The changes do not materially alter any provision of this Section.
 - **Section 649.50, subdivisions (b)(1)-(2):** No revisions to this subdivision were proposed.
- **Section 649.50, subdivision (c):** The revision is necessary to clarify this Section only applies to passengers in a vehicle consistent with the preceding subsection, which is referenced.
 - **Section 649.50, subdivision (c)(1):** The revision is necessary to remove the 14-year-old age limitation to ensure all similarly situated minors are treated equitably.
 - **Section 649.50, subdivision (c)(2):** The revision is necessary to clarify that an applicant who is eligible for benefits under this subdivision may only receive funeral and/or burial expenses.
- **Section 649.50, subdivision (d):** The revision is necessary for consistency and removes superfluous language.
 - **Section 649.50, subdivision (d)(1):** The revision is necessary to change “and” to “or” for clarity.
 - **Section 649.50, subdivision (d)(2):** The revision is necessary to clarify that an individual can be involved if they are also a primary cause of the qualifying crime.

- **Section 649.50, subdivision (e):** The revision is necessary to add subdivision (d) to the involvement factors listed in subdivisions (a) and (b). The changes do not materially alter any provision of this Section.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of these regulations.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The purpose of the proposed regulations is to revise, interpret, and implement the current law governing victim compensation. When an application for compensation is approved, victims can submit bills for reimbursement of losses. Compensation is awarded after a bill is verified. In fiscal year 2021-2022, CalVCB received 39,015 applications and provided \$40.35 million in compensation to victims; in fiscal year 2020-2021, CalVCB received 40,640 applications and provided \$52.74 million in compensation to victims; in fiscal year 2019-2020, CalVCB received 50,699 applications and provided \$58.69 million in compensation to victims; in fiscal year 2018-2019, CalVCB received 52,973 applications and provided \$61.88 million in compensation to victims. The amount paid in compensation has remained relatively stable over the past four years and CalVCB does not anticipate a significant change in future payouts. Accordingly, the proposed regulations will not directly impact jobs or the wider economy.

The Board has determined that the selected alternative will not affect:

(A) The creation or elimination of jobs within the State of California,

The proposed regulations do not impact jobs because they apply to a limited group of individuals seeking compensation as a result of being victimized during a crime.

(B) The creation of new businesses or the elimination of existing businesses within the State of California, and

The proposed regulations do not impact the creation of new businesses or elimination of existing businesses in California because they apply to a limited group of individuals seeking compensation as a result of being victimized during a crime.

(C) The expansion of businesses currently doing business within the State of California.

The proposed regulations do not impact the expansion of businesses currently doing business within the State of California because they apply to a limited group of individuals seeking compensation as a result of being victimized during a crime.

The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment:

CalVCB has determined that the proposed regulations do not impact worker safety or the state's environment because they apply to a limited group of individuals seeking compensation as a result of being victimized during a crime.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has no evidence indicating any potential significant adverse impact on business as a result of this proposed action. The Board has determined that the proposed regulations do not affect business because they apply to a limited group of individuals seeking compensation as a result of being victimized during a crime.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

The Board has determined that there are no other reasonable alternatives to this rulemaking action.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has no evidence indicating any potential adverse impacts to small business are expected as a result of this proposed action. The Board has determined that the proposed regulations do not affect small businesses because they apply to a limited group of individuals seeking compensation as a result of being victimized during a crime.