

Senate Bill 651

Equal Access to Restitution for Victims

Senator Connie M. Leyva (D-Chino)

SUMMARY

SB 651 would expand the definition of a victim within the Welfare and Institutions Code to include family members, guardians and significant others as 'derivative' victims of a crime committed by a minor. The changes in the definition would match the language in the Penal Code.

Under the revised definition, direct and derivative victims are eligible for compensation for out-of-pocket costs that resulted from a crime committed against them by a minor.

BACKGROUND

Currently, the Welfare and Institutions Code does not mirror the Penal Code's definition of a "victim".

Due to this inconsistency, derivative victims of a crimes committed by minors (as opposed to adults) are not eligible for restitution. As a result, restitution may not be awarded to derivative victims of minors to pay for expenses such as mental health counseling.

In *Re Scott H. 221 Cal. App. 4th 515 (2013)*, Scott, a minor, was convicted of committing lewd acts against the victim. The victim's mother, step-father and siblings submitted a claim for restitution for fees incurred for mental health counseling services to address the "turmoil and stress" that they suffered as a result of Scott's conduct.

The juvenile court ordered restitution for therapy in the amount of \$9,540, but was reversed in the Court of Appeal California, Second Appellate District, Division One because the Welfare and Institutions Code did not characterize the victim's immediate family members as "victims".

Had the Welfare and Institution Code mirrored the existing Penal Code definition of a victim, the victim's immediate family members would have been characterized as derivative victims and the restitution order would not have been reversed by the Appellate Court.

PROBLEM

Since the Welfare and Institutions Code does not mirror the Penal Code's definition of a "victim," district attorneys have had difficulty obtaining restitution orders on behalf of derivative victims simply because the offender is a minor as opposed to an adult.

SOLUTION

SB 651 amends the Welfare and Institutions Code to mirror the Penal Code so that it will include derivative victims, such as spouses, family members and housemates.

As such, derivative victims will be eligible for compensation for out-of-pocket costs as a result of a crime committed against them by a minor.

Moreover, courts will be able to rely on exact language as opposed to interpretation in cases involving defendants who are minors.

STATUS

Signed – Takes effect January 1, 2016

SUPPORT

Los Angeles County District Attorney's Office (Sponsor)
Crime Victims Action Alliance (Co-Sponsor)

CONTACT

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