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**5 What are you required to do?**  
(Continued)

**A** • You must not have taken part in the crime.

• You must certify that you are not a convicted felon currently incarcerated, on probation, or on parole.

**6 Where may you go for assistance?**

**A** • Your county has a local victim center that will help you apply for compensation from the State Board of Control. Look in the county government listings in your phone book under "Victim-Witness Assistance," "Victim Services," "District Attorney's Office," or "Probation Department." Or you may call 1-800-VICTIMS, toll free, for referral to the nearest victim center.

• You also may obtain a brochure and an application for victim compensation from the State Board of Control, Victims of Crime Program, P.O. Box 3036, Sacramento, California 95812-3036, or call toll free (800) 777-9229.

• You may ask an attorney to represent you and file your claim. When your claim is awarded, the attorney will receive statutory fees paid by the state.

**7 May you also bring a civil lawsuit for your losses and expenses?**

**A** You may be able to sue the person who committed the crime or another financially responsible party. If that person is a minor, you may also be able to sue his or her parents. A victim may be paid for an injury, death, or property loss if the lawsuit is filed in time. The law gives victims special procedural

rights in such cases. You may wish to speak to an attorney. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the yellow pages under "Attorneys").

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**T**his pamphlet summarizes the compensation available to some victims of crime from the State Restitution Fund and from a civil lawsuit, as of January 1, 1995. Both the law and the amounts of compensation may change. For the most current information on **your** rights to compensation, plus facts on other important victims' rights, contact:

INFORMATION  
ON

# CRIME VICTIMS' COMPENSATION



Prepared by the  
**JUDICIAL COUNCIL OF CALIFORNIA**  
Chief Justice Malcolm M. Lucas  
Chairperson

[Rev. January 1, 1995]

Dear fellow citizens:

Under California law, some victims of crime may qualify for compensation for certain losses resulting from criminal acts.

This pamphlet was prepared by the Judicial Council to give important information about two kinds of compensation: payment from the State Restitution Fund and damages from a civil lawsuit.

As Chairperson of the Judicial Council, I hope that you find this pamphlet helpful and that you will contact a victim assistance office for further information.

Sincerely,

*Malcolm M. Lucas*

Malcolm M. Lucas  
Chief Justice of California

**1 What is the State Restitution Fund?**

**A** The Restitution Fund is the main source of funding for the State of California's Victim Compensation Program (Government Code sections 13954-13969.3). This Program is administered by the State Board of Control and is called the Victims of Crime Program (Program). The Restitution Fund is funded by assessments levied against criminal defendants.

**2 Who may apply for compensation from the Restitution Fund?**

**A** Any victim of a crime who was injured or was threatened with physical injury as a direct result of a crime. The victim must be a California resident or the crime must have occurred in California.

Other individuals may qualify for program benefits based upon their relationship to the direct victim, including a person who died as a direct result of a crime. Other eligible persons (referred to as derivative victims) must be *residents of California* at the time of the crime and meet one of the following criteria:

- Was the parent, sibling, or child of the victim; OR
- Was living with the victim at the time of the crime; OR
- Had lived with the victim for at least two years in a relationship similar to a parent, sibling, spouse, or child of the victim; OR
- Was another family member of the victim, including the victim's fiancé(e), AND witnessed the crime; OR
- Has paid for the medical and/or funeral/burial expenses of a deceased victim.

**3 What losses and expenses may be paid by the Program?**

**A** The Victims of Crime Program may pay eligible claimants for medical or medical-related expenses, mental health counseling, loss of income and/or support, funeral/burial expenses (limited to \$3,500), and job retraining up to a total of \$46,000, unless the victim is reimbursed for these losses from insurance, sick leave, or other sources. Lesser limits may apply for certain expenses. In certain cases, the Program may pay an attorney up to \$500 for helping the victim file a claim.

**4 What is not covered?**

- A**
- The fund does not pay for injuries from a motor vehicle, aircraft, or water vehicle, unless the crime is driving under the influence of alcohol or drugs, hit and run driving, using the vehicle as a weapon, or fleeing from the scene of a violent crime.
  - The fund does not pay for loss or for damage to any kind of property, except for eyeglasses, hearing aids, and dentures or prosthetic devices.
  - Expenses related to the criminal proceedings or trial of the defendant.
  - Pain and suffering.

**5 What are you required to do?**

- A**
- You must apply within one year after the date of the crime.
  - You must give written proof of losses and expenses, which may include medical and funeral bills and income tax statements.
  - You must cooperate fully with law enforcement agencies.

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