SB 60 (Wright) – Victims of Crime Act: Elderly Adults

Introduced January 7, 2013

This bill would amend Government Code Section 13951 to include financial abuse of an elderly or dependent adult within the definition of specified crimes that are eligible for compensation by the California Victim Compensation and Government Claims Board for specified losses suffered as a result of those crimes.

According to the author, California has the highest number of older adults compared to any other state in the nation, with 4.2 million individuals over 65 years of age counted in the 2010 census. Elderly and dependent adults are seen as easy targets by financial predators, and often fall victim to scams such as foreign lotteries, the sale of costly and ineffective annuities, identity theft, reverse mortgage scams and fraudulent home repairs.

The author references a 1998 study in the Journal of The American Medical Association that states elders victimized by financial abuse have a decreased projected life span when compared to elders who have not suffered that exploitation. Additionally, the author states the Department of Social Services reports that as many as 1,600 reports of elder and dependent adult financial abuse are under investigation in a given month by the Adult Protective Services Division statewide.

The California Victims of Crime Program currently does not serve this population even though federal law allows Victims of Crime Act funds to be used to assist victims of financial crimes. Federal guidelines identify elders and dependent adults as being underserved in this area. Many states already provide this type of assistance, and this bill would add provisions to assist California's elderly and dependent adult population who are victims of a financial crime.

SENATE BILL No. 60

Introduced by Senator Wright

January 7, 2013

An act to amend Section 13951 of the Government Code, relating to the Victims of Crime Act, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as introduced, Wright. Victims of Crime Act: elderly adults.

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award.

This bill would include financial abuse of an elderly or dependent adult within the definition of crimes that are eligible for compensation under these provisions and provide legislative findings and declarations regarding financial crimes against elderly or dependent adults.

By expanding the application of provisions authorizing certain uses of continuously appropriated funds, this bill would make an appropriation.

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares:

(a) California has the highest number of older adults compared to any other state in the nation, with 4.2 million individuals over 65 years of age counted in the 2010 census.

(b) Elderly and dependent adults are seen as easy targets by financial predators who take advantage of their victims' loneliness, isolation, and vulnerability. This population often falls victim to scams such as foreign lotteries, the sale of costly and ineffective annuities, identity theft, reverse mortgage scams, and fraudulent home repairs.

(c) A 1998 study reported in the Journal of The American Medical Association (Lachs et al, 1998) found that an elder victimized by financial abuse has a decreased projected lifespan when compared to elders who have not suffered that exploitation.

(d) State Department of Social Services reports that as many as 1,600 reports of elder and dependent adult financial abuse are under investigation in a given month by the Adult Protective Services Division statewide.

(e) The California Victims of Crime Program does not serve this population even though federal law allows Victims of Crime Act funds to be used to assist victims of financial crimes. Federal guidelines identify elders and dependent adults as being underserved in this area.

(f) Many states already provide assistance to victims of financial crimes, including Colorado, Florida, Idaho, New Jersey, New York, Oklahoma, Vermont, Pennsylvania, and Wyoming.

SEC. 2. Section 13951 of the Government Code is amended to read:

13951. As used in this chapter, the following definitions shall apply:

(a) "Board" means the California Victim Compensation and Government Claims Board.

(b) (1) "Crime" means a crime or public offense, *including financial abuse of an elderly or dependent adult,* wherever it may take place, that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult.

(2) "Crime" includes an act of terrorism, as defined in Section 2331 of Title 18 of the United States Code, committed against a resident of the state, whether or not the act occurs within the state.

(c) "Derivative victim" means an individual who sustains pecuniary loss as a result of injury or death to a victim.

(d) "Law enforcement" means every district attorney, municipal police department, sheriff's department, district attorney's office, county probation department, and social services agency, the Department of Justice, the Department of Corrections *and Rehabilitation*, the ~~Department of the Youth Authority~~ *Division of Juvenile Facilities, Department of Corrections and Rehabilitation*, the Department of the California Highway Patrol, the police department of any campus of the University of California, California State University, or community college, and every agency of the State of California expressly authorized by statute to investigate or prosecute law violators.

(e) "Pecuniary loss" means an economic loss or expense resulting from an injury or death to a victim of crime that has not been and will not be reimbursed from any other source.

(f) "Peer counseling" means counseling offered by a provider of mental health counseling services who has completed a specialized course in rape crisis counseling skills development, participates in continuing education in rape crisis counseling skills development, and provides rape crisis counseling within the State of California.

(g) "Victim" means an individual who sustains injury or death as a direct result of a crime as specified in subdivision (e) of Section 13955.

(h) "Victim center" means a victim and witness assistance center that receives funds pursuant to Section 13835.2 of the Penal Code.

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