

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 997 (Gipson) – As Amended March 16, 2023

Policy Committee: Public Safety Vote: 8 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the California Victim Compensation Board (the Board) to reimburse an exonerated person for mental health services related to their incarceration.

Specifically, this bill:

- 1) Requires the Board to reimburse an exonerated person for at least two years of mental health services if they were incarcerated for eight years or more.
- 2) Prevents the Board from reimbursing someone for mental health services for a longer period of time than the period of time they were incarcerated.
- 3) Requires the Board to provide payment or reimbursement within 30 days after a claim is submitted.

FISCAL EFFECT:

This bill would likely generate millions of dollars in General Fund costs each year. The bill sets time periods during which the Board must reimburse mental health claims for people who have been exonerated, but does not provide any limits to the number of claims each exonerated person may submit, or amount of reimbursement to which they are entitled. Therefore, costs could vary widely. One exonerated person may seek reimbursement for weekly out-patient therapy sessions, while another may seek reimbursement for multiple types of more intensive, high-cost services like inpatient treatment programs or wellness retreats. The Board has approved claims of exoneration for 68 people, all of whom would be eligible for reimbursement of mental health services under this bill. If half of them submitted monthly claims for reimbursement of \$12,250, their total reimbursement cost for one year would be just under \$5 million.

Additionally, the Board estimates that it would need a one-time expenditure of approximately \$750,000 to create a database to track mental health services reimbursement claims, plus approximately \$1,745,000 annually to fund 12 new staff positions to administer the reimbursement program.

COMMENTS:

- 1) **Author's Statement.** According to the author:

AB 997 is a piece of good legislation that provides restitution to a small population of Californians who have been wrongfully convicted. These exonerees have lost valuable years of their lives that can never be given back. Mental health services are essential in helping heal the scars on oneself while being incarcerated.

- 2) **Background.** Current law allows an individual whose conviction is reversed, and who meets certain requirements, to submit a claim to the Board seeking compensation from the state for their improper imprisonment. If the Board approves the exonerated person's claim, they are entitled to compensation of up to \$140 per day of their incarceration. The Board has approved compensation claims for 68 individuals in California since 2000. The Board observed an increase in claims it received and granted in the past few years, potentially due to recent changes in law that made it easier to obtain compensation for certain claims.

This bill would also require the Board, after it approves an exonerated person's claim for compensation, to reimburse claims the exonerated person submits for mental health services "reasonably related to" their incarceration. As described above, the bill gives some guidance about the duration for which the Board must reimburse an individual's mental health services costs – if someone was incarcerated for eight years or more, they are entitled to at least two years of mental health services reimbursement, and the Board cannot provide mental health reimbursement for longer than a claimant was incarcerated. The Board reports that the average length of incarceration for previously approved claimants is 19 years. Under this bill, someone who was incarcerated for 19 years and later exonerated would be entitled to at least two years, and no more than 19 years, of mental health services reimbursement. The bill does not provide additional detail about when claimants must submit mental health services claims, whether the Board has discretion about which reimbursement claims to approve, whether there is an annual or lifetime cap to total reimbursements for each claimant, or how the Board should determine whether mental health services are "reasonably related" to an individual's incarceration.

Many formerly incarcerated people experience serious, ongoing mental health effects as a result of their imprisonment, and exonerated people would no doubt benefit from significant mental health support during the years-long transition after their release from custody. However, the costs for this bill could be significantly lower or higher than the above estimate because so many variables are undefined, and much of the cost depends on the circumstances of each eligible exonerated person. The author may wish to provide additional detail to help determine the long-term cost and feasibility of this program.

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