

ASSEMBLY THIRD READING  
AB 997 (Gipson)  
As Amended May 18, 2023  
Majority vote

## SUMMARY

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

### Major Provisions

- 1) Require the Board to reimburse an exonerated person, or provide direct payment to their provider, for mental health services reasonably related to their incarceration.
- 2) State that if a person was incarcerated for eight or more years, the Board shall allocate, in addition to the amount contained in an approved claim, an amount intended to be used for mental health services as follows:
  - a) \$15,000 per year, for up to four years, for individuals incarcerated for eight to 12 years; and,
  - b) \$15,000 per year, for up to six years, for individuals incarcerated form more than 12 years.
- 3) Prohibit reimbursement for services for a period of time exceeding the amount of time the person was incarcerated.
- 4) Require the Board to provide individual payment or reimbursement no more than 30 days after a claim is submitted.
- 5) Exclude mental health services already reimbursed by the California Department of Corrections and Rehabilitation.
- 6) Define "exonerated person" as any person whose claim for wrongful conviction compensation is approved by the Board on or after January 1, 2024.
- 7) Provide that the reimbursement is subject to appropriation by the Legislature.

## COMMENTS

### 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."

### Arguments in Support

According to the *California Public Defenders Association (CPDA)*, "CPDA members represent those who have been wrongfully accused and convicted. We have witnessed our clients try and

restore their life back to some semblance of normalcy following a wrongful conviction. Obtaining employment and securing housing are daunting enough without dealing with the lingering trauma of being wrongfully convicted and incarcerated. It is important for individuals to receive mental health treatment for that trauma. Access to mental health services promotes public safety.

"Victims of wrongful conviction and incarceration should not be burdened with the additional expense of paying for mental health treatment. AB 997 is an attempt to rectify the harms of wrongful conviction and incarceration. While the time lost serving a sentence following a wrongful conviction can never be recouped, attempting to make the wronged individual whole is the least the State can do."

### **Arguments in Opposition**

None Submitted.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee:

- 1) Costs (General Fund (GF)) of an unknown but significant amount to reimburse mental health service claims for exonerated people. Actual costs will depend on the number of claims of exoneration approved by the California Victim Compensation Board (Board), the number of reimbursement claims submitted, and the cost of mental health services for which claimants seek reimbursement. Under this bill, an exonerated person who was incarcerated for eight to 12 years would be eligible for up to \$60,000 in mental health services reimbursements over four years. An exonerated person who was incarcerated for more than 12 years would be eligible for up to \$90,000 in mental health services reimbursements over six years. The bill does not specify a reimbursement cap for an exonerated person who was incarcerated for less than eight years, but specifies that an exoneree may not be reimbursed for mental health services for a longer period of time than the amount of time they were incarcerated.

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. The average length of incarceration for previously-approved claimants is 19 years. If 30 claimants who were each incarcerated for 19 years received the full amount of mental health services reimbursement available to them under this bill, GF costs would be \$2.7 million over six years.

- 2) Costs (GF) to Board to administer mental health services reimbursements. The Board estimates one-time costs of approximately \$750,000 to create a database to track mental health services reimbursement claims, and ongoing staffing costs to administer the reimbursement program, potentially in the hundreds of thousands to low millions of dollars.

## **VOTES**

**ASM PUBLIC SAFETY: 8-0-0**

**YES:** Jones-Sawyer, Alanis, Bonta, Bryan, Lackey, Ortega, Santiago, Zbur

**ASM APPROPRIATIONS: 11-0-5**

**YES:** Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Weber, Ortega

**ABS, ABST OR NV:** Megan Dahle, Dixon, Mathis, Robert Rivas, Sanchez

**UPDATED**

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