

Franchise Tax Board

NO ANALYSIS REQUIRED

Author: Baugh Analyst: Christy Keith Bill Number: AB 1799

Related Bills: See Prior Analysis Telephone: 845-6080 Amended Date: 8/28/00

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Exclusion/Indemnification Received By Erroneously Convicted Persons

- ANALYSIS NOT REQUIRED of this bill -- Not within scope of responsibility of this department.
- TECHNICAL BILL -- No program or fiscal changes to existing program.
- BILL AS AMENDED NO LONGER WITHIN SCOPE of responsibility or program of the department.
- TECHNICAL AMENDMENT - No change in previously submitted analysis required. Approved position of prior analysis is pending.
- MINOR AMENDMENT - No change in previously submitted analysis required. Approved position of prior analysis is _____.
- MINOR AMENDMENT - No change in approved position of _____. See comments below.
- OTHER - See comments below.

COMMENTS:

Under the Penal Code, this bill would amend existing law that requires the state Board of Control (BOC), where an individual has been erroneously convicted and incarcerated for a crime, to recommend to the Legislature that an amount be appropriated to indemnify the individual for the pecuniary injury of such errors. This bill would specify that the BOC is required to recommend an appropriation of \$100 a day, rather than the current amount of up to \$10,000.

Under both the Penal Code and the Revenue and Taxation Code (R&TC), this bill would provide that the appropriation is not to be treated as gross income to the recipient under the Personal Income Tax Law.

The August 28, 2000, amendments made a grammatical change and added a co-author.

The department's analyses of the bill as amended March 6 and August 7, 2000, still apply.

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Franchise Tax Board Staff

Date

Christy Keith 09/05/2000