

West's Annotated California Codes [Currentness](#)

Penal Code ([Refs & Annos](#))

Part 3. Of Imprisonment and the Death Penalty ([Refs & Annos](#))

▢ [Title 6. Reprieves, Pardons and Commutations \(Refs & Annos\)](#)

→ [Chapter 5. Indemnity for Persons Erroneously Convicted and Pardoned \(Refs & Annos\)](#)

→ **§ 4900. Claim against state; persons authorized to present; presentation**

Any person who, having been convicted of any crime against the state amounting to a felony and imprisoned in the state prison for that conviction, is granted a pardon by the Governor for the reason that the crime with which he or she was charged was either not committed at all or, if committed, was not committed by him or her, or who, being innocent of the crime with which he or she was charged for either of the foregoing reasons, shall have served the term or any part thereof for which he or she was imprisoned, may, under the conditions provided under this chapter, present a claim against the state to the California Victim Compensation and Government Claims Board for the pecuniary injury sustained by him or her through the erroneous conviction and imprisonment.

§ 4901. Claim against state; formalities; time for presentation

A claim under [Section 4900](#), accompanied by a statement of the facts constituting the claim, verified in the manner provided for the verification of complaints in civil actions, must be presented by the claimant to the California Victim Compensation and Government Claims Board within a period of two years after judgment of acquittal or discharge given, or after pardon granted, or after release from imprisonment, and no claim not so presented shall be considered by the California Victim Compensation and Government Claims Board.

§ 4902. Hearing on claim; fixing time and place; notice

Upon presentation of a claim under [Section 4900](#), the California Victim Compensation and Government Claims Board shall fix a time and place for the hearing of the claim, and shall mail notice thereof to the claimant and to the Attorney General at least 15 days prior to the time fixed for the hearing.

§ 4903. Hearing on claim; proof

On such hearing the claimant shall introduce evidence in support of the claim, and the Attorney General may introduce evidence in opposition thereto. The claimant must prove the facts set forth in the statement constituting the claim, including the fact that the crime with which he or she was charged was either not committed at all, or, if committed, was not committed by him or her, the fact that he or she did not, by any act or omission on his or her part, intentionally contribute to the bringing about of his or her arrest or conviction for the crime with which he or she was charged, and the pecuniary injury sustained by him or her through his or her erroneous conviction and imprisonment. For purposes of this chapter, when determining whether the claimant

intentionally contributed to the bringing about of his or her arrest or conviction, the factfinder shall not consider statements obtained from an involuntary false confession or involuntary plea. The claimant shall bear the burden of proving by a preponderance of the evidence that the statements were obtained from an involuntary false confession or involuntary plea.

§ 4904. Report of findings to Legislature; recommendation; limitation on amount of recovery

If the evidence shows that the crime with which the claimant was charged was either not committed at all, or, if committed, was not committed by the claimant, and that the claimant did not, by any act or omission, intentionally contribute to the bringing about of his or her arrest or conviction for the crime with which he or she was charged, and that the claimant has sustained pecuniary injury through his or her erroneous conviction and imprisonment, the California Victim Compensation and Government Claims Board shall report the facts of the case and its conclusions to the next Legislature, with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for the pecuniary injury. The amount of the appropriation recommended shall be a sum equivalent to one hundred dollars (\$100) per day of incarceration served subsequent to the claimant's conviction and that appropriation shall not be treated as gross income to the recipient under the Revenue and Taxation Code.

§ 4905. Submission of statement of recommendations for appropriations to Controller

The California Victim Compensation and Government Claims Board shall make up its report and recommendation and shall give to the Controller a statement showing its recommendations for appropriations under this chapter, as provided by law in cases of other claimants against the state for which no appropriations have been made.

§ 4906. Rules and regulations; promulgation

The California Victim Compensation and Government Claims Board is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect this chapter.

END OF DOCUMENT