

West's Ann.Cal.Penal Code § 4900

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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 of California amounting to a felony, and having been imprisoned therefor in a State prison of this State shall hereafter be granted a pardon by the Governor of this State for the reason that the crime with which he was charged was either not committed at all or, if committed, was not committed by him, or who, being innocent of the crime with which he was charged for either of the foregoing reasons, shall have served the term or any part thereof for which he was imprisoned, may, under the conditions hereinafter provided, present a claim against the State to the State Board of Control for the pecuniary injury sustained by him through such erroneous conviction and imprisonment.

CREDIT(S)

(Added by Stats.1941, c. 106, p. 1130, § 15.)

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

Such claim, 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 Board of Control within a period of six months after judgment of acquittal or discharge given, or after pardon granted, or after release from imprisonment, and at least four months prior to the next meeting of the Legislature of this State; and no claim not so presented shall be considered by the Board of Control.

CREDIT(S)

(Added by Stats.1941, c. 106, p. 1130, § 15.)

West's Ann.Cal.Penal Code § 4902

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

Upon presentation of any such claim, the Board of Control 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 of this State at least 15 days prior to the time fixed for such hearing.

CREDIT(S)


(Added by Stats.1941, c. 106, p. 1130, § 15.)

West's Ann.Cal.Penal Code § 4903

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 **§ 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 was charged was either not committed at all, or, if committed, was not committed by him, the fact that he did not, by any act or omission on his part, either intentionally or negligently, contribute to the bringing about of his arrest or conviction for the crime with which he was charged, and the pecuniary injury sustained by him through his erroneous conviction and imprisonment.

CREDIT(S)


(Added by Stats.1941, c. 106, p. 1130, § 15.)


West's Ann.Cal.Penal Code § 4904

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 **§ 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 either intentionally or negligently, contribute to the bringing about of his or her arrest or conviction, and that the claimant has sustained pecuniary injury through his or her erroneous conviction and imprisonment, the State Board of Control shall report the facts of the case and its conclusions to the next Legislature of this state, with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for the pecuniary injury; but 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 provisions of the Revenue and Taxation Code.

CREDIT(S)

(Added by Stats.1941, c. 106, p. 1131, § 15. Amended by Stats.1969, c. 704, p. 1370, § 1; [Stats.2000, c. 630 \(A.B.1799\), § 1.](#))

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➔ § 4905. Copy of report and recommendation to controller

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

CREDIT(S)

(Added by Stats.1941, c. 106, p. 1131, § 15.)

West's Ann.Cal.Penal Code § 4906

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➔ § 4906. Rules and regulations; promulgation

The Board of Control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this chapter.

CREDIT(S)

(Added by Stats.1941, c. 106, p. 1131, § 15.)