

**California Victim Compensation and Government Claims Board  
Claims of Persons Erroneously Convicted of Felonies  
California Code of Regulations, Title 2, Division 2, Chapter 1, Article 5, Section 640**

**INITIAL STATEMENT OF REASONS**

Penal Code sections 4900 through 4906 require that the Victim Compensation and Government Claims Board (Board) process claims of persons who were erroneously convicted of felonies. In California Code of Regulations, Title 2, Section 640, claimants are required to file a claim for compensation on an Erroneously Convicted Person Claim Form. This form requires information about the conviction, incarceration, and release from prison.

The current claim form does not require a claimant to provide his or her date of birth or his or her California Department of Corrections and Rehabilitation Inmate Number. The lack of this information impedes the determination of whether the claimant actually was convicted of a felony and was sentenced to and incarcerated in a state prison.

The Board therefore proposes to amend the Erroneously Convicted Person Claim Form to require a claimant to provide his or her California Department of Corrections and Rehabilitation inmate number and date of birth.

The specific purpose of the amendment and the reasons that the amendment is necessary, together with a description of the public problem, is described in the information below.

**Section 640(a)(1) Claim Form**

**Authority and Reference**

Pursuant to Penal Code section 4906, the Board has authority to adopt necessary regulations consistent with the law for purposes of carrying into effect the claims of erroneously convicted persons. This rulemaking action is intended to further implement, interpret, and/or make specific Penal Code sections 4900 through 4906.

**Rationale**

The amendment to the Erroneously Convicted Person Claim Form will assist the hearing officer in making a determination as to whether or not the claimant is eligible for compensation.

**Specific Purpose of Regulation**

It is necessary to amend the printed claim form by requiring a claimant to provide his or her date of birth and his or her California Department of Corrections and Rehabilitation Inmate Number because this information will allow claims to be verified in a timely manner. The information will also assist in the acquisition of court and prison records that are necessary in order for the hearing officer to make a determination as to the validity of a claim.