

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JULY 9, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 807**

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**Introduced by Assembly Member Fuentes**

February 26, 2009

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An act to amend Sections 6220, 6221, 6227, and 6228 of the Penal Code, relating to restitution centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Fuentes. Restitution centers.

Existing law establishes restitution centers for inmates to provide a means for those sentenced to prison to be able to pay their victims' financial restitution, as specified.

This bill would revise what is included by the term "restitution" for these purposes, and provide that inmates who commit crimes involving direct victims shall receive priority placement in restitution centers, as specified. The bill would require the Department of Corrections and Rehabilitation, no later than ~~the 2010–11 fiscal year~~ *June 30, 2011*, to reopen and operate 2 restitution centers. *The bill would provide that this requirement shall not become operative if certain reforms are implemented, as specified.*

Existing law provides that a court may order the department to place an eligible defendant in a restitution center if the court makes a restitution order or if a restitution agreement is entered into by the victims and the defendant.

The bill would specify that the court may order the department to place an eligible defendant in a restitution center if the court makes an order for a restitution fine.

~~Existing law allows the department to send a defendant to a reception center for classification prior to placing the defendant in the restitution center.~~

~~This bill would remove this discretion of the department and require that defendants sentenced to a restitution center be sent directly to the restitution center.~~

Existing law provides criteria for eligibility for placement in a restitution center, including in part, that a defendant is eligible for placement in a restitution center if he or she has not served a prison term within the 5 years prior to the present conviction, does not have a criminal history of a conviction for the sale of drugs or for a crime involving violence or sex, and did not receive a sentence of more than 36 months.

This bill would revise those criteria to provide, among other criteria, that a defendant is eligible for placement in a restitution center if he or she does not have a criminal history of a conviction for the sale of drugs within the ~~last~~ *previous* 5 years, or for an offense requiring registration as a sex offender, or for a serious or violent felony, and the defendant did not receive a sentence of more than 60 months for the current offense or offenses.

The bill would also state findings and declarations ~~by~~ *of* the Legislature pertaining to restitution centers and inmates.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Every year, more than 125,000 inmates are released from
- 3 California prisons. Of those released, more than half will return
- 4 to prison within two years, and more than 70 percent will return
- 5 within three years.
- 6 (b) The cost of incarceration alone has risen to a staggering
- 7 \$46,000 per inmate per year, which does not include the costs of
- 8 inmates participating in programming to address substance abuse,
- 9 mental health treatment, or educational and vocational training.

1 (c) The vast majority of inmates housed in California prisons  
2 do not participate in a single program while incarcerated, and the  
3 majority of inmates will be unemployed at the time of release from  
4 prison, with few, if any, job prospects.

5 (d) Successful reentry models combine a continuity of services  
6 before and after release from prison and real incentives to hold  
7 former offenders accountable for using those services.

8 (e) The most successful models for preventing recidivism  
9 include public-private partnerships among law enforcement,  
10 government agencies, business and labor associations, private  
11 employers, and community-based organizations formed to create  
12 living wage employment opportunities for eligible former offenders  
13 and to take advantage of existing programs and incentives for  
14 hiring former offenders.

15 (f) The restitution center concept is a model where inmates  
16 serving time for nonviolent, nonserious offenses can fulfill  
17 obligations to pay restitution and other court related fines and fees  
18 in addition to obtaining and maintaining employment.

19 (g) Being employed is a key factor ensuring a lower recidivism  
20 rate and thus reducing taxpayer burdens.

21 (h) *It is the intent of the Legislature that defendants eligible for*  
22 *placement in a restitution center be placed as expeditiously as*  
23 *possible. To that end, the Department of Corrections and*  
24 *Rehabilitation shall work in concert with other agencies, such as*  
25 *county sheriff and public defender offices, to share information in*  
26 *order to make screening, classification, and placement more*  
27 *expeditious. The Legislature further intends that, in implementing*  
28 *this measure, the department draw upon successful pilot programs,*  
29 *such as the pilot program implemented pursuant to Senate Bill*  
30 *618 of the 2005–06 Regular Session (Ch. 603, Stats. 2005).*

31 SEC. 2. Section 6220 of the Penal Code is amended to read:

32 6220. (a) The Secretary of the Department of Corrections and  
33 Rehabilitation may establish and operate facilities to be known as  
34 restitution centers. ~~The~~

35 (b) *The secretary shall establish and operate two restitution*  
36 *centers in Los Angeles County no later than ~~the 2010-11 fiscal~~*  
37 *year June 30, 2011. However, the requirement to establish and*  
38 *operate two restitution centers in Los Angeles County shall not*  
39 *become operative if the prison reforms proposed by the Governor*  
40 *as part of the 2009 budget revision are passed by the Legislature*

1 *and put into effect and, as a result, the secretary determines that*  
2 *there is an insufficient population of inmates eligible for restitution*  
3 *center placement.*

4 SEC. 3. Section 6221 of the Penal Code is amended to read:

5 6221. The purpose of restitution centers is to provide a means  
6 for those sentenced to prison to be able to pay their victims'  
7 financial restitution, which includes direct restitution to victims  
8 as well as other restitution fines and fees, as ordered by the  
9 sentencing court or as agreed upon by the defendant and his or her  
10 victims. Inmates who commit crimes involving direct victims shall  
11 receive priority placement in restitution centers.

12 SEC. 4. Section 6227 of the Penal Code is amended to read:

13 6227. (a) The court may order the Department of Corrections  
14 and Rehabilitation to place an eligible defendant in a restitution  
15 center if the court makes a restitution order or makes an order for  
16 a restitution fine pursuant to Section 1202.4, or if a restitution  
17 agreement is entered into by the victims and the defendant.  
18 ~~Defendants sentenced to a restitution center shall be sent directly~~  
19 ~~to the restitution center.~~ *The department may send a defendant to*  
20 *a reception center for classification prior to placing the defendant*  
21 *in the restitution center.*

22 (b) Notwithstanding subdivision (a), inmates who commit crimes  
23 involving direct victims shall receive priority placement in  
24 restitution centers.

25 SEC. 5. Section 6228 of the Penal Code is amended to read:

26 6228. A defendant is eligible for placement in a restitution  
27 center if the defendant does not have a criminal history of a  
28 conviction for the sale of drugs within the last five years or for an  
29 offense requiring registration pursuant to Section 290, or a serious  
30 felony, as listed in Section 1192.7, or a violent felony, as listed in  
31 Section 667.5, the defendant did not receive a sentence of more  
32 than 60 months for the current offense or offenses, the defendant  
33 presents no unacceptable risk to the community, and the defendant  
34 is employable. The provisions of Article 2.5 (commencing with  
35 Section 2930) of Chapter 7 of Title 1 of Part 3, are applicable to  
36 prisoners in restitution centers.