

Assembly Bill No. 2218

CHAPTER 463

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

[Approved by Governor September 29, 2010. Filed with
Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2218, 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 a direct victim shall receive priority placement in restitution centers.

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 revises 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 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 the Legislature pertaining to restitution centers and inmates.

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

SECTION 1. The Legislature finds and declares the following:

(a) Every year, more than 125,000 inmates are released from California prisons. Of those released, more than half will return to prison within two years, and more than 70 percent will return within three years.

(b) The cost of incarceration alone has risen to a staggering forty-six thousand dollars (\$46,000) per inmate per year, which does not include the costs of inmates participating in programming to address substance abuse, mental health treatment, or educational and vocational training.

(c) Due to the fiscal crisis in California, funding for state prison programs was significantly reduced, resulting in fewer programs, including closure of restitution centers.

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

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

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

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

SEC. 2. Section 6221 of the Penal Code is amended to read:

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

SEC. 3. Section 6228 of the Penal Code is amended to read:

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