

AMENDED IN SENATE JUNE 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2251**

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**Introduced by Assembly Members Feuer and Blumenfield**

February 24, 2012

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An act to amend Section 1203c of the Penal Code, relating to victim restitution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2251, as amended, Feuer. Victim restitution: victim's contact information.

Existing law requires a court to order a criminal defendant to make restitution in every case in which a victim has suffered economic loss as a result of the defendant's conduct. In cases where a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation and the court has ordered the person to pay restitution to a victim, existing law authorizes the applicable county probation officer to send the victim's contact information and a copy of the restitution order to the department for the purpose of distributing restitution if the victim consents.

This bill would, notwithstanding the above provision requiring the victim's consent, authorize a district attorney to send the victim's contact information and a copy of the restitution order to the department for that purpose if the district attorney finds that it is in the best interest of the victim to send that information. *If the victim affirmatively objects, the bill would prohibit the district attorney from sending the victim's contact information to the department. The bill would provide that the district attorney would not be required to inform the victim of the right to object.*

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

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

1 SECTION 1. Section 1203c of the Penal Code is amended to  
 2 read:

3 1203c. (a) (1) Notwithstanding any other provisions of law,  
 4 whenever a person is committed to an institution under the  
 5 jurisdiction of the Department of Corrections and Rehabilitation,  
 6 whether probation has been applied for or not, or granted and  
 7 revoked, it shall be the duty of the probation officer of the county  
 8 from which the person is committed to send to the Department of  
 9 Corrections and Rehabilitation a report of the circumstances  
 10 surrounding the offense and the prior record and history of the  
 11 defendant, as may be required by the Secretary of the Department  
 12 of Corrections and Rehabilitation.

13 (2) If the person is being committed to the jurisdiction of the  
 14 department for a conviction of an offense that requires him or her  
 15 to register as a sex offender pursuant to Section 290, the probation  
 16 officer shall include in the report the results of the State-Authorized  
 17 Risk Assessment Tool for Sex Offenders (SARATSO) administered  
 18 pursuant to Sections 290.04 to 290.06, inclusive, if applicable.

19 (b) These reports shall accompany the commitment papers. The  
 20 reports shall be prepared in the form prescribed by the administrator  
 21 following consultation with the Board of State and Community  
 22 Corrections, except that if the defendant is ineligible for probation,  
 23 a report of the circumstances surrounding the offense and the prior  
 24 record and history of the defendant, prepared by the probation  
 25 officer on request of the court and filed with the court before  
 26 sentence, shall be deemed to meet the requirements of paragraph  
 27 (1) of subdivision (a).

28 (c) In order to allow the probation officer an opportunity to  
 29 interview, for the purpose of preparation of these reports, the  
 30 defendant shall be held in the county jail for 48 hours, excluding  
 31 Saturdays, Sundays, and holidays, subsequent to imposition of  
 32 sentence and prior to delivery to the custody of the Secretary of  
 33 the Department of Corrections and Rehabilitation, unless the  
 34 probation officer has indicated the need for a different period of  
 35 time.

1 (d) Whenever a person is committed to an institution under the  
2 jurisdiction of the Department of Corrections and Rehabilitation  
3 and the court has ordered the person to pay restitution to a victim,  
4 the following shall apply:

5 (1) If the victim consents, the probation officer of the county  
6 from which the person is committed may send to the Department  
7 of Corrections and Rehabilitation the victim's contact information  
8 and a copy of the restitution order for the sole purpose of  
9 distributing the restitution collected on behalf of the victim.

10 (2) Notwithstanding paragraph (1), the district attorney of the  
11 county from which the person is committed may send to the  
12 Department of Corrections and Rehabilitation the victim's contact  
13 information and a copy of the restitution order for the sole purpose  
14 of distributing the restitution collected on behalf of the victim if  
15 the district attorney finds it is in the best interest of the victim to  
16 send that information. *If the victim affirmatively objects, the district*  
17 *attorney shall not send the victim's contact information to the*  
18 *department. The district attorney shall not be required to inform*  
19 *the victim of the right to object.*

20 (3) The contact information shall remain confidential and shall  
21 not be made part of the court file or combined with any public  
22 document.