

Assembly Bill No. 2251

Passed the Assembly June 28, 2012

Chief Clerk of the Assembly

Passed the Senate June 25, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2251, 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.

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

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

1203c. (a) (1) Notwithstanding any other provisions of law, whenever a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation, whether probation has been applied for or not, or granted and revoked, it shall be the duty of the probation officer of the county from which the person is committed to send to the Department of Corrections and Rehabilitation a report of the circumstances

surrounding the offense and the prior record and history of the defendant, as may be required by the Secretary of the Department of Corrections and Rehabilitation.

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

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

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

(d) Whenever 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, the following shall apply:

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

(2) Notwithstanding paragraph (1), the district attorney of the county from which the person is committed may send to the Department of Corrections and Rehabilitation the victim's contact information and a copy of the restitution order for the sole purpose of distributing the restitution collected on behalf of the victim if

the district attorney finds it is in the best interest of the victim to send that information. If the victim affirmatively objects, the district attorney shall not send the victim's contact information to the department. The district attorney shall not be required to inform the victim of the right to object.

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

Approved _____, 2012

Governor