

AMENDED IN SENATE MAY 30, 2012
AMENDED IN SENATE APRIL 25, 2012
AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 1210

Introduced by Senator Lieu

February 22, 2012

An act to amend Sections 1202.45, 1214, and 2085.5 of the Penal Code, and to amend Section 19280 of the Revenue and Taxation Code, relating to criminal fines and penalties, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1210, as amended, Lieu. Collection of criminal fines and penalties.

(1) Under existing law, in every case where a person is convicted of a crime and whose sentence includes parole, the court is required to assess a parole revocation fine, as specified, for deposit into the Restitution Fund in the State Treasury.

This bill would require a person who is subject to postrelease community supervision or mandatory supervision, who violates the terms of his or her postrelease community supervision or mandatory supervision, and who is incarcerated in a county jail for that violation, to pay a restitution fine, as provided, for deposit into the Restitution Fund in the State Treasury, a continuously appropriated fund. Because the bill creates a new source of revenue for deposit into the Restitution Fund, the bill would make an appropriation.

(2) Existing law generally provides that in any case in which a defendant is ordered to pay restitution, the order to pay restitution shall be deemed a money judgment that is fully enforceable by the victim as

if the restitution order were a civil judgment, and any portion of the restitution order that remains unsatisfied after a defendant is no longer on probation or parole is enforceable by the victim, as specified.

This bill would also specify that any portion of a restitution order that remains unsatisfied after a defendant is no longer on postrelease community supervision or mandatory supervision is enforceable by the victim pursuant to those provisions.

(3) Existing law requires the Department of Corrections and Rehabilitation to deduct and retain certain funds from the wages, trust account deposits, or settlement or trial awards of a prisoner for the payment of certain fees and fines, including restitution orders, restitution fines, and specified administrative fees, and also authorizes the department to collect funds from a parolee for the payment of restitution orders and fines, unless prohibited by federal law. Under existing law, these funds are required to be deposited in the Restitution Fund in the State Treasury.

This bill would specify that, when a prisoner is punished by imprisonment in a county jail for a felony, an agency designated by the county board of supervisors is ~~required~~ *authorized* to deduct and retain those funds, and would also authorize that agency to collect funds from a parolee. The bill would require these agencies to transfer these funds for deposit in the Restitution Fund.

(4) Existing law authorizes delinquent fines, state or local penalties, forfeitures, restitution fines and orders, and any other amounts imposed by a superior court upon a person or entity for criminal offenses, that total at least \$100 in the aggregate, to be referred by the superior court, the county, or the state to the Franchise Tax Board for collection.

This bill would also authorize the referral of delinquent fines, state and local penalties, forfeitures, restitution fines and orders, and other amounts imposed by a juvenile court to the board for collection.

~~(5) By imposing additional requirements on counties, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: *yes-no*.

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

1 SECTION 1. Section 1202.45 of the Penal Code is amended
2 to read:

3 1202.45. (a) In every case where a person is convicted of a
4 crime and ~~whose~~ *his or her* sentence includes a period of parole,
5 the court shall, at the time of imposing the restitution fine pursuant
6 to subdivision (b) of Section 1202.4, assess an additional parole
7 revocation restitution fine in the same amount as that imposed
8 pursuant to subdivision (b) of Section 1202.4.

9 (b) In every case where a person is convicted of a crime and is
10 subject to either postrelease community supervision under Section
11 3451 or mandatory supervision under paragraph (5) of subdivision
12 (h) of Section 1170, and violates the terms of the postrelease
13 community supervision or mandatory supervision and is
14 incarcerated in a county jail for that violation, the person shall pay
15 a fine, pursuant to subdivision (b) of Section 1202.4, that ~~shall~~
16 *may* be collected by the agency designated by the board of
17 supervisors of the county in which the prisoner is incarcerated.

18 (c) The fines imposed pursuant to subdivisions (a) and (b) shall
19 not be subject to penalty assessments authorized by Section 1464
20 or Chapter 12 (commencing with Section 76000) of Title 8 of the
21 Government Code, or the state surcharge authorized by Section
22 1465.7, and shall be suspended unless the person's parole,
23 postrelease community supervision, or mandatory supervision is
24 revoked. Fine moneys shall be deposited in the Restitution Fund
25 in the State Treasury.

26 SEC. 2. Section 1214 of the Penal Code is amended to read:

27 1214. (a) If the judgment is for a fine, including a restitution
28 fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or
29 Section 1203.04 as operative on or before August 2, 1995, or
30 Section 13967 of the Government Code, as operative on or before
31 September 28, 1994, with or without imprisonment, or a diversion
32 restitution fee ordered pursuant to Section 1001.90, the judgment
33 may be enforced in the manner provided for the enforcement of
34 money judgments generally. Any portion of a restitution fine or
35 restitution fee that remains unsatisfied after a defendant is no longer

1 on probation or parole or has completed diversion is enforceable
2 by the California Victim Compensation and Government Claims
3 Board pursuant to this section. Notwithstanding any other provision
4 of law prohibiting disclosure, the state, as defined in Section 900.6
5 of the Government Code, a local public entity, as defined in Section
6 900.4 of the Government Code, or any other entity, may provide
7 the California Victim Compensation and Government Claims
8 Board any and all information to assist in the collection of unpaid
9 portions of a restitution fine for terminated probation or parole
10 cases, or of a restitution fee for completed diversion cases. For
11 purposes of the preceding sentence, “state, as defined in Section
12 900.6 of the Government Code,” and “any other entity” shall not
13 include the Franchise Tax Board.

14 (b) In any case in which a defendant is ordered to pay restitution,
15 the order to pay restitution (1) is deemed a money judgment if the
16 defendant was informed of his or her right to have a judicial
17 determination of the amount and was provided with a hearing,
18 waived a hearing, or stipulated to the amount of the restitution
19 ordered, and (2) shall be fully enforceable by a victim as if the
20 restitution order were a civil judgment, and enforceable in the same
21 manner as is provided for the enforcement of any other money
22 judgment. Upon the victim’s request, the court shall provide the
23 victim in whose favor the order of restitution is entered with a
24 certified copy of that order and a copy of the defendant’s disclosure
25 pursuant to paragraph (5) of subdivision (f) of Section 1202.4,
26 affidavit or information pursuant to paragraph (6) of subdivision
27 (f) of Section 1202.4, or report pursuant to paragraph (8) of
28 subdivision (f) of Section 1202.4. The court also shall provide this
29 information to the district attorney upon request in connection with
30 an investigation or prosecution involving perjury or the veracity
31 of the information contained within the defendant’s financial
32 disclosure. In addition, upon request, the court shall provide the
33 California Victim Compensation and Government Claims Board
34 with a certified copy of any order imposing a restitution fine or
35 order and a copy of the defendant’s disclosure pursuant to
36 paragraph (5) of subdivision (f) of Section 1202.4, affidavit or
37 information pursuant to paragraph (6) of subdivision (f) of Section
38 1202.4, or report pursuant to paragraph (8) of subdivision (f) of
39 Section 1202.4. A victim shall have access to all resources available
40 under the law to enforce the restitution order, including, but not

1 limited to, access to the defendant's financial records, use of wage
2 garnishment and lien procedures, information regarding the
3 defendant's assets, and the ability to apply for restitution from any
4 fund established for the purpose of compensating victims in civil
5 cases. Any portion of a restitution order that remains unsatisfied
6 after a defendant is no longer on probation, parole, postrelease
7 community supervision under Section 3451, or mandatory
8 supervision imposed pursuant to subparagraph (B) of paragraph
9 (5) of subdivision (h) of Section 1170 is enforceable by the victim
10 pursuant to this section. Victims and the California Victim
11 Compensation and Government Claims Board shall inform the
12 court whenever an order to pay restitution is satisfied.

13 (c) Except as provided in subdivision (d), and notwithstanding
14 the amount in controversy limitation of Section 85 of the Code of
15 Civil Procedure, a restitution order or restitution fine that was
16 imposed pursuant to Section 1202.4 in any of the following cases
17 may be enforced in the same manner as a money judgment in a
18 limited civil case:

19 (1) In a misdemeanor case.

20 (2) In a case involving violation of a city or town ordinance.

21 (3) In a noncapital criminal case where the court has received
22 a plea of guilty or nolo contendere.

23 (d) Chapter 3 (commencing with Section 683.010) of Division
24 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
25 to any of the following:

26 (1) A judgment for any fine.

27 (2) Any restitution fine or restitution order imposed pursuant
28 to Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as
29 operative on or before August 2, 1995, or Section 13967 of the
30 Government Code, as operative on or before September 28, 1994.

31 (3) Any diversion restitution fee ordered pursuant to Section
32 1001.90.

33 SEC. 3. Section 2085.5 of the Penal Code is amended to read:

34 2085.5. (a) In any case in which a prisoner owes a restitution
35 fine imposed pursuant to subdivision (a) of Section 13967 of the
36 Government Code, as operative prior to September 28, 1994,
37 subdivision (b) of Section 730.6 of the Welfare and Institutions
38 Code, or subdivision (b) of Section 1202.4, the Secretary of the
39 Department of Corrections and Rehabilitation, ~~or, when a prisoner~~
40 ~~is punished by imprisonment in a county jail pursuant to~~

1 ~~subdivision (h) of Section 1170, the agency designated by the~~
2 ~~board of supervisors in the county where the prisoner is~~
3 ~~incarcerated, shall deduct a minimum of 20 percent or the balance~~
4 ~~owing on the fine amount, whichever is less, up to a maximum of~~
5 ~~50 percent from the wages and trust account deposits of a prisoner,~~
6 ~~or the county jail equivalent of wages and trust account deposits~~
7 ~~of a prisoner, unless prohibited by federal law, and shall transfer~~
8 ~~that amount to the California Victim Compensation and~~
9 ~~Government Claims Board for deposit in the Restitution Fund in~~
10 ~~the State Treasury. Any amount so deducted shall be credited~~
11 ~~against the amount owing on the fine. The sentencing court shall~~
12 ~~be provided a record of the payments.~~

13 *(b) When a prisoner is punished by imprisonment in a county*
14 *jail pursuant to subdivision (h) of Section 1170, in any case in*
15 *which a prisoner owes a restitution fine imposed pursuant to*
16 *subdivision (a) of Section 13967 of the Government Code, as*
17 *operative prior to September 28, 1994, subdivision (b) of Section*
18 *730.6 of the Welfare and Institutions Code, or subdivision (b) of*
19 *Section 1202.4, the agency designated by the board of supervisors*
20 *in the county where the prisoner is incarcerated is authorized to*
21 *deduct a minimum of 20 percent or the balance owing on the fine*
22 *amount, whichever is less, up to a maximum of 50 percent from*
23 *the county jail equivalent of wages and trust account deposits of*
24 *a prisoner, unless prohibited by federal law, and shall transfer*
25 *that amount to the California Victim Compensation and*
26 *Government Claims Board for deposit in the Restitution Fund in*
27 *the State Treasury. Any amount so deducted shall be credited*
28 *against the amount owing on the fine. The sentencing court shall*
29 *be provided a record of the payments.*

30 ~~(b)~~

31 *(c) In any case in which a prisoner owes a restitution order*
32 *imposed pursuant to subdivision (c) of Section 13967 of the*
33 *Government Code, as operative prior to September 28, 1994,*
34 *subdivision (h) of Section 730.6 of the Welfare and Institutions*
35 *Code, or subdivision (f) of Section 1202.4, the Secretary of the*
36 *Department of Corrections and Rehabilitation, or, when a prisoner*
37 *is punished by imprisonment in a county jail pursuant to*
38 *subdivision (h) of Section 1170, the agency designated by the*
39 *board of supervisors in the county where the prisoner is*
40 *incarcerated, shall deduct a minimum of 20 percent or the balance*

1 owing on the order amount, whichever is less, up to a maximum
2 of 50 percent from the wages and trust account deposits of a
3 prisoner, ~~or the county jail equivalent of wages and trust account~~
4 ~~deposits of a prisoner~~, unless prohibited by federal law. The
5 secretary ~~or the agency~~ shall transfer that amount to the California
6 Victim Compensation and Government Claims Board for direct
7 payment to the victim, or payment shall be made to the Restitution
8 Fund to the extent that the victim has received assistance pursuant
9 to that program. The sentencing court shall be provided a record
10 of the payments made to victims and of the payments deposited
11 to the Restitution Fund pursuant to this subdivision.

12 *(d) When a prisoner is punished by imprisonment in a county*
13 *jail pursuant to subdivision (h) of Section 1170, in any case in*
14 *which a prisoner owes a restitution order imposed pursuant to*
15 *subdivision (c) of Section 13967 of the Government Code, as*
16 *operative prior to September 28, 1994, subdivision (h) of Section*
17 *730.6 of the Welfare and Institutions Code, or subdivision (b) of*
18 *Section 1202.4, the agency designated by the board of supervisors*
19 *in the county where the prisoner is incarcerated is authorized to*
20 *deduct a minimum of 20 percent or the balance owing on the order*
21 *amount, whichever is less, up to a maximum of 50 percent from*
22 *the county jail equivalent of wages and trust account deposits of*
23 *a prisoner, unless prohibited by federal law. The agency shall*
24 *transfer that amount to the California Victim Compensation and*
25 *Government Claims Board for direct payment to the victim, or*
26 *payment shall be made to the Restitution Fund to the extent that*
27 *the victim has received assistance pursuant to that program. The*
28 *sentencing court shall be provided a record of the payments made*
29 *to the victims and of the payments deposited to the Restitution*
30 *Fund pursuant to this subdivision.*

31 (e)

32 ~~(e) The secretary, or, when a prisoner is punished by~~
33 ~~imprisonment in a county jail pursuant to subdivision (h) of Section~~
34 ~~1170, the agency designated by the board of supervisors in the~~
35 ~~county where the prisoner is incarcerated, shall deduct and retain~~
36 ~~from the wages and trust account deposits of a prisoner, or the~~
37 ~~county jail equivalent of wages and trust account deposits of a~~
38 ~~prisoner, unless prohibited by federal law, an administrative fee~~
39 ~~that totals 10 percent of any amount transferred to the California~~
40 ~~Victim Compensation and Government Claims Board pursuant to~~

1 subdivision (a) or ~~(b)~~ (c). The secretary or the agency shall deduct
2 and retain from any prisoner settlement or trial award, an
3 administrative fee that totals 5 percent of any amount paid from
4 the settlement or award to satisfy an outstanding restitution order
5 or fine pursuant to subdivision ~~(j)~~ (n), unless prohibited by federal
6 law. The secretary or the agency shall deposit the administrative
7 fee moneys in a special deposit account for reimbursing
8 administrative and support costs of the restitution program of the
9 Department of Corrections and Rehabilitation. The secretary, at
10 his or her discretion, or the agency may retain any excess funds
11 in the special deposit account for future reimbursement of the
12 department's administrative and support costs for the restitution
13 program or may transfer all or part of the excess funds for deposit
14 in the Restitution Fund.

15 *(f) When a prisoner is punished by imprisonment in a county*
16 *jail pursuant to subdivision (h) of Section 1170, the agency*
17 *designated by the board of supervisors in the county where the*
18 *prisoner is incarcerated is authorized to deduct and retain from*
19 *the county jail equivalent of wages and trust account deposits of*
20 *a prisoner, unless prohibited by federal law, and administrative*
21 *fee that totals 10 percent of any amount transferred to the*
22 *California Victim Compensation and Government Claims Board*
23 *pursuant to subdivision (b) or (d). The agency is authorized to*
24 *deduct and retain from any prisoner settlement or trial award, an*
25 *administrative fee that totals 5 percent of any amount paid from*
26 *the settlement or award to satisfy an outstanding restitution order*
27 *or fine pursuant to subdivision (n), unless prohibited by federal*
28 *law. The agency shall deposit the administrative fee moneys in a*
29 *special deposit account for reimbursing administrative and support*
30 *costs of the restitution program of the agency. The agency is*
31 *authorized to retain any excess funds in the special deposit account*
32 *for future reimbursement of the agency's administrative and*
33 *support costs for the restitution program or may transfer all or*
34 *part of the excess funds for deposit in the Restitution Fund.*

35 ~~(d)~~

36 *(g) In any case in which a parolee owes a restitution fine*
37 *imposed pursuant to subdivision (a) of Section 13967 of the*
38 *Government Code, as operative prior to September 28, 1994,*
39 *subdivision (b) of Section 730.6 of the Welfare and Institutions*
40 *Code, or subdivision (b) of Section 1202.4, the secretary, or, when*

1 a prisoner is punished by imprisonment in a county jail pursuant
2 to subdivision (h) of Section 1170, the agency designated by the
3 board of supervisors in the county where the prisoner is
4 incarcerated, may collect from the parolee any moneys owing on
5 the restitution fine amount, unless prohibited by federal law. The
6 secretary or the agency shall transfer that amount to the California
7 Victim Compensation and Government Claims Board for deposit
8 in the Restitution Fund in the State Treasury. Any amount so
9 deducted shall be credited against the amount owing on the fine.
10 The sentencing court shall be provided a record of the payments.

11 ~~(e)~~

12 *(h)* In any case in which a parolee owes a direct order of
13 restitution, imposed pursuant to subdivision (c) of Section 13967
14 of the Government Code, as operative prior to September 28, 1994,
15 subdivision (h) of Section 730.6 of the Welfare and Institutions
16 Code, or paragraph (3) of subdivision (a) of Section 1202.4, the
17 secretary, or, when a prisoner is punished by imprisonment in a
18 county jail pursuant to subdivision (h) of Section 1170, the agency
19 designated by the board of supervisors in the county where the
20 prisoner is incarcerated, may collect from the parolee any moneys
21 owing, unless prohibited by federal law. The secretary or the
22 agency shall transfer that amount to the California Victim
23 Compensation and Government Claims Board for direct payment
24 to the victim, or payment shall be made to the Restitution Fund to
25 the extent that the victim has received assistance pursuant to that
26 program. The sentencing court shall be provided a record of the
27 payments made by the offender pursuant to this subdivision.

28 ~~(f)~~

29 *(i)* The secretary, or, when a prisoner is punished by
30 imprisonment in a county jail pursuant to subdivision (h) of Section
31 1170, the agency designated by the board of supervisors in the
32 county where the prisoner is incarcerated, may deduct and retain
33 from any moneys collected from parolees an administrative fee
34 that totals 10 percent of any amount transferred to the California
35 Victim Compensation and Government Claims Board pursuant to
36 subdivision ~~(d)~~ *(g)* or ~~(e)~~ *(h)*, unless prohibited by federal law. The
37 secretary ~~or the agency~~ shall deduct and retain from any settlement
38 or trial award of a parolee an administrative fee that totals 5 percent
39 of any amount paid from the settlement or award to satisfy an
40 outstanding restitution order or fine pursuant to subdivision ~~(j)~~ *(n)*,

1 unless prohibited by federal law. *The agency is authorized to*
2 *deduct and retain from any settlement or trial award of a parolee*
3 *an administrative fee that totals 5 percent of any amount paid from*
4 *the settlement or award to satisfy an outstanding restitution order*
5 *or fine pursuant to subdivision (n).* The secretary or the agency
6 shall deposit the administrative fee moneys in a special deposit
7 account for reimbursing administrative and support costs of the
8 restitution program of the Department of Corrections and
9 Rehabilitation *or the agency, as applicable.* The secretary, at his
10 or her discretion, or the agency may retain any excess funds in the
11 special deposit account for future reimbursement of the
12 department's *or agency's* administrative and support costs for the
13 restitution program or may transfer all or part of the excess funds
14 for deposit in the Restitution Fund.

15 ~~(g)~~

16 (j) When a prisoner has both a restitution fine and a restitution
17 order from the sentencing court, the Department of Corrections
18 and Rehabilitation, ~~or, when a prisoner is punished by~~
19 ~~imprisonment in a county jail pursuant to subdivision (h) of Section~~
20 ~~1170, the agency designated by the board of supervisors in the~~
21 ~~county where the prisoner is incarcerated,~~ shall collect the
22 restitution order first pursuant to subdivision ~~(b)~~ (c).

23 (k) *When a prisoner is punished by imprisonment in a county*
24 *jail pursuant to subdivision (h) of Section 1170 and that prisoner*
25 *has both a restitution fine and a restitution order from the*
26 *sentencing court, if the agency designated by the board of*
27 *supervisors in the county where the prisoner is incarcerated*
28 *collects the fine and order, the agency shall collect the restitution*
29 *order first pursuant to subdivision (d).*

30 ~~(h)~~

31 (l) When a parolee has both a restitution fine and a restitution
32 order from the sentencing court, the Department of Corrections
33 and Rehabilitation, or, when the prisoner is punished by
34 imprisonment in a county jail pursuant to subdivision (h) of Section
35 1170, the agency designated by the board of supervisors in the
36 county where the prisoner is incarcerated, may collect the
37 restitution order first, pursuant to subdivision ~~(e)~~ (h).

38 ~~(i)~~

39 (m) If an inmate is housed at an institution that requires food to
40 be purchased from the institution canteen for unsupervised

1 overnight visits, and if the money for the purchase of this food is
 2 received from funds other than the inmate’s wages, that money
 3 shall be exempt from restitution deductions. This exemption shall
 4 apply to the actual amount spent on food for the visit up to a
 5 maximum of fifty dollars (\$50) for visits that include the inmate
 6 and one visitor, seventy dollars (\$70) for visits that include the
 7 inmate and two or three visitors, and eighty dollars (\$80) for visits
 8 that include the inmate and four or more visitors.

9 ~~(j)~~

10 (n) Any compensatory or punitive damages awarded by trial or
 11 settlement to any inmate, parolee, person placed on postrelease
 12 community supervision pursuant to Section 3451, or defendant on
 13 mandatory supervision imposed pursuant to subparagraph (B) of
 14 paragraph (5) of subdivision (h) of Section 1170, in connection
 15 with a civil action brought against any federal, state, or local jail,
 16 prison, or correctional facility, or any official or agent thereof,
 17 shall be paid directly, after payment of reasonable attorney’s fees
 18 and litigation costs approved by the court, to satisfy any
 19 outstanding restitution orders or restitution fines against that
 20 person. The balance of any award shall be forwarded to the payee
 21 after full payment of all outstanding restitution orders and
 22 restitution fines, subject to subdivisions ~~(e)~~ (e) and ~~(f)~~ (i). The
 23 Department of Corrections and Rehabilitation, ~~or, when a prisoner~~
 24 ~~is punished by imprisonment in a county jail pursuant to~~
 25 ~~subdivision (h) of Section 1170, the agency designated by the~~
 26 ~~board of supervisors in the county where the prisoner is~~
 27 ~~incarcerated,~~ shall make all reasonable efforts to notify the victims
 28 of the crime for which that person was convicted concerning the
 29 pending payment of any compensatory or punitive damages. *For*
 30 *any prisoner punished by imprisonment in a county jail pursuant*
 31 *to subdivision (h) of Section 1170, the agency is authorized to*
 32 *make all reasonable efforts to notify the victims of the crime for*
 33 *which that person was convicted concerning the pending payment*
 34 *of any compensatory or punitive damages.*

35 ~~(k)~~

36 (o) (1) Amounts transferred to the California Victim
 37 Compensation and Government Claims Board for payment of
 38 direct orders of restitution shall be paid to the victim within 60
 39 days from the date the restitution revenues are received by the
 40 California Victim Compensation and Government Claims Board.

1 If the restitution payment to a victim is less than fifty dollars (\$50),
2 then payment need not be forwarded to that victim until the
3 payment reaches fifty dollars (\$50) or until 180 days from the date
4 the first payment is received, whichever occurs sooner.

5 (2) In any case in which a victim cannot be located, the
6 restitution revenues received by the California Victim
7 Compensation and Government Claims Board on behalf of the
8 victim shall be held in trust in the Restitution Fund until the end
9 of the state fiscal year subsequent to the state fiscal year in which
10 the funds were deposited or until the time that the victim has
11 provided current address information, whichever occurs sooner.
12 Amounts remaining in trust at the end of the specified period of
13 time shall revert to the Restitution Fund.

14 (3) (A) Any victim failing to provide a current address within
15 the period of time specified in paragraph (2) may provide
16 documentation to the Department of Corrections and Rehabilitation
17 ~~or, when a prisoner is punished by imprisonment in a county jail~~
18 ~~pursuant to subdivision (h) of Section 1170, to the agency~~
19 ~~designated by the board of supervisors in the county where the~~
20 ~~prisoner is incarcerated;~~ which in turn shall verify that moneys
21 were in fact collected on behalf of the victim. Upon receipt of that
22 verified information from the Department of Corrections and
23 Rehabilitation ~~or the agency~~, the California Victim Compensation
24 and Government Claims Board shall transmit the restitution
25 revenues to the victim in accordance with the provisions of
26 subdivision ~~(b) (c) or (e)~~ (h).

27 (B) *Any victim failing to provide a current address within the*
28 *period of time specified in paragraph (2) may provide*
29 *documentation to the agency designated by the board of*
30 *supervisors in the county where the prisoner punished by*
31 *imprisonment in a county jail pursuant to subdivision (h) of Section*
32 *1170 is incarcerated, which in turn may verify that moneys were*
33 *in fact collected on behalf of the victim. Upon receipt of that*
34 *verified information from the agency, the California Victim*
35 *Compensation and Government Claims Board shall transmit the*
36 *restitution revenues to the victim in accordance with the provisions*
37 *of subdivision (d) or (h).*

38 SEC. 4. Section 19280 of the Revenue and Taxation Code is
39 amended to read:

1 19280. (a) (1) Fines, state or local penalties, bail, forfeitures,
2 restitution fines, restitution orders, or any other amounts imposed
3 by a juvenile or superior court of the State of California upon a
4 person or any other entity that are due and payable in an amount
5 totaling no less than one hundred dollars (\$100), in the aggregate,
6 for criminal offenses, including all offenses involving a violation
7 of the Vehicle Code, and any amounts due pursuant to Section
8 903.1 of the Welfare and Institutions Code may, no sooner than
9 90 days after payment of that amount becomes delinquent, be
10 referred by the juvenile or superior court, the county, or the state
11 to the Franchise Tax Board for collection under guidelines
12 prescribed by the Franchise Tax Board. Unless the victim of the
13 crime notifies the Department of Corrections and Rehabilitation
14 to the contrary, the Department of Corrections and Rehabilitation
15 may refer a restitution order to the Franchise Tax Board, in
16 accordance with subparagraph (B) of paragraph (2), for any person
17 subject to the restitution order who is or has been under the
18 jurisdiction of the Department of Corrections and Rehabilitation.

19 (2) For purposes of this subdivision:

20 (A) The amounts referred by the juvenile or superior court, the
21 county, or the state under this section may include an administrative
22 fee and any amounts that a government entity may add to the
23 court-imposed obligation as a result of the underlying offense,
24 trial, or conviction. For purposes of this article, those amounts
25 shall be deemed to be imposed by the court.

26 (B) Restitution orders may be referred to the Franchise Tax
27 Board only by a government entity, as agreed upon by the
28 Franchise Tax Board, provided that all of the following apply:

29 (i) The government entity has the authority to collect on behalf
30 of the state or the victim.

31 (ii) The government entity shall be responsible for distributing
32 the restitution order collections, as appropriate.

33 (iii) The government entity shall ensure, in making the referrals
34 and distributions, that it coordinates with any other related
35 collection activities that may occur by superior courts, counties,
36 or other state agencies.

37 (iv) The government entity shall ensure compliance with laws
38 relating to the reimbursement of the State Restitution Fund.

1 (C) The Franchise Tax Board shall establish criteria for referral,
2 which shall include setting forth a minimum dollar amount subject
3 to referral and collection.

4 (b) The Franchise Tax Board, in conjunction with the Judicial
5 Council, shall seek whatever additional resources are needed to
6 accept referrals from all 58 counties or superior courts.

7 (c) Upon written notice to the debtor from the Franchise Tax
8 Board, any amount referred to the Franchise Tax Board under
9 subdivision (a) and any interest thereon, including any interest on
10 the amount referred under subdivision (a) that accrued prior to the
11 date of referral, shall be treated as final and due and payable to the
12 State of California, and shall be collected from the debtor by the
13 Franchise Tax Board in any manner authorized under the law for
14 collection of a delinquent personal income tax liability, including,
15 but not limited to, issuance of an order and levy under Article 4
16 (commencing with Section 706.070) of Chapter 5 of Division 2
17 of Title 9 of Part 2 of the Code of Civil Procedure in the manner
18 provided for earnings withholding orders for taxes.

19 (d) (1) Part 10 (commencing with Section 17001), this part,
20 Part 10.7 (commencing with Section 21001), and Part 11
21 (commencing with Section 23001) shall apply to amounts referred
22 under this article in the same manner and with the same force and
23 effect and to the full extent as if the language of those laws had
24 been incorporated in full into this article, except to the extent that
25 any provision is either inconsistent with this article or is not
26 relevant to this article.

27 (2) Any information, information sources, or enforcement
28 remedies and capabilities available to the court or the state referring
29 to the amount due described in subdivision (a), shall be available
30 to the Franchise Tax Board to be used in conjunction with, or
31 independent of, the information, information sources, or remedies
32 and capabilities available to the Franchise Tax Board for purposes
33 of administering Part 10 (commencing with Section 17001), this
34 part, Part 10.7 (commencing with Section 21001), or Part 11
35 (commencing with Section 23001).

36 (e) The activities required to implement and administer this part
37 shall not interfere with the primary mission of the Franchise Tax
38 Board to administer Part 10 (commencing with Section 17001)
39 and Part 11 (commencing with Section 23001).

1 (f) For amounts referred for collection under subdivision (a),
2 interest shall accrue at the greater of the rate applicable to the
3 amount due being collected or the rate provided under Section
4 19521. When notice of the amount due includes interest and is
5 mailed to the debtor and the amount is paid within 15 days after
6 the date of notice, interest shall not be imposed for the period after
7 the date of notice.

8 (g) In no event shall a collection under this article be construed
9 as a payment of income taxes imposed under Part 10 (commencing
10 with Section 17001) or Part 11 (commencing with Section 23001).

11 ~~SEC. 5. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~