

ASSEMBLY BILL

No. 423

Introduced by Assembly Member Torres

February 15, 2013

An act to amend Section 2085.5 of the Penal Code, and to amend Sections 1752.81 and 1752.82 of the Welfare and Institutions Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

AB 423, as introduced, Torres. Restitution: collection.

Existing law authorizes the imposition of a restitution fine or order to be paid to the state or the victim of a crime, as specified. Existing law requires the Secretary of Corrections and Rehabilitation, to deduct a minimum of 20% of the balance owing on the fine or order amount, whichever is less, up to a maximum of 50%, from the wages and trust account of a prisoner to fulfill his or her restitution fine or order, unless prohibited by federal law. Existing law authorizes an agency designated by the board of supervisors in a county where a prisoner is incarcerated to deduct those amounts from specified prisoners. Under existing law, if an inmate is housed at an institution that requires food to be purchased from the institution canteen for unsupervised overnight visits, and if the money for the purchase of this food is received from funds other than the inmate's wages, that money is exempt from restitution deductions.

Existing law requires the Director of the Division of Juvenile Justice, if an adult or minor is committed to, or housed in, a Division of Juvenile Facilities facility and he or she owes money for a restitution fine or order, to deduct the balance owing on the fine or order amount from the trust account deposits of a ward, up to a maximum of 50% of the

total amount held in trust, unless prohibited by federal law. Existing law also authorizes the director to deduct a reasonable amount, not to exceed 50%, from the wages of a ward to satisfy a restitution fine or order. Existing law also authorizes the director to expend the portion of a ward's trust funds that exceed \$500 pursuant to a lawful order of a court directing payment of the funds.

This bill would require the Secretary of Corrections and Rehabilitation and the Director of the Division of Juvenile Justice, and would authorize the collecting agency of a county, to deduct either the balance owing on a restitution fine or order or 80% of the trust account or wages of a prisoner or ward, whichever is less, unless prohibited by federal law. The bill would expand these provisions to apply to a prisoner who is punished by imprisonment in any county correctional facility, and would delete the exemption for funds for the purchase of food from the institution canteen for unsupervised overnight visits. The bill would also authorize the Director of Juvenile Justice to expend the portion of a ward's trust funds that exceed \$100 pursuant to a lawful order of a court directing payment of the funds.

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. Section 2085.5 of the Penal Code is amended to
 2 read:
 3 2085.5. (a) In any case in which a prisoner owes a restitution
 4 fine imposed pursuant to subdivision (a) of Section 13967 of the
 5 Government Code, as operative prior to September 28, 1994,
 6 subdivision (b) of Section 730.6 of the Welfare and Institutions
 7 Code, or subdivision (b) of Section 1202.4, the Secretary of the
 8 Department of Corrections and Rehabilitation shall deduct a
 9 ~~minimum of 20~~ 80 percent or the balance owing on the fine
 10 amount, whichever is less, ~~up to a maximum of 50 percent~~ from
 11 the wages and trust account deposits of a prisoner, unless prohibited
 12 by federal law, and shall transfer that amount to the California
 13 Victim Compensation and Government Claims Board for deposit
 14 in the Restitution Fund in the State Treasury. Any amount so
 15 deducted shall be credited against the amount owing on the fine.
 16 The sentencing court shall be provided a record of the payments.

1 (b) (1) When a prisoner is punished by imprisonment in a
2 county jail pursuant to subdivision (h) of Section 1170 *correctional*
3 *facility*, in any case in which a prisoner owes a restitution fine
4 imposed pursuant to subdivision (a) of Section 13967 of the
5 Government Code, as operative prior to September 28, 1994,
6 subdivision (b) of Section 730.6 of the Welfare and Institutions
7 Code, or subdivision (b) of Section 1202.4, the agency designated
8 by the board of supervisors in the county where the prisoner is
9 incarcerated is authorized to deduct ~~a minimum of 20~~ 80 percent
10 or the balance owing on the fine amount, whichever is less, ~~up to~~
11 ~~a maximum of 50 percent~~ from the county jail *correctional facility*
12 equivalent of wages and trust account deposits of a prisoner, unless
13 prohibited by federal law, and shall transfer that amount to the
14 California Victim Compensation and Government Claims Board
15 for deposit in the Restitution Fund in the State Treasury. Any
16 amount so deducted shall be credited against the amount owing
17 on the fine. The sentencing court shall be provided a record of the
18 payments.

19 (2) If the board of supervisors designates the county sheriff as
20 the collecting agency, the board of supervisors shall first obtain
21 the concurrence of the county sheriff.

22 (c) In any case in which a prisoner owes a restitution order
23 imposed pursuant to subdivision (c) of Section 13967 of the
24 Government Code, as operative prior to September 28, 1994,
25 subdivision (h) of Section 730.6 of the Welfare and Institutions
26 Code, or subdivision (f) of Section 1202.4, the Secretary of the
27 Department of Corrections and Rehabilitation shall deduct ~~a~~
28 ~~minimum of 20~~ 80 percent or the balance owing on the order
29 amount, whichever is less, ~~up to a maximum of 50 percent~~ from
30 the wages and trust account deposits of a prisoner, unless prohibited
31 by federal law. The secretary shall transfer that amount to the
32 California Victim Compensation and Government Claims Board
33 for direct payment to the victim, or payment shall be made to the
34 Restitution Fund to the extent that the victim has received
35 assistance pursuant to that program. The sentencing court shall be
36 provided a record of the payments made to victims and of the
37 payments deposited to the Restitution Fund pursuant to this
38 subdivision.

39 (d) When a prisoner is punished by imprisonment in a county
40 jail pursuant to subdivision (h) of Section 1170 *correctional*

1 *facility*, in any case in which a prisoner owes a restitution order
2 imposed pursuant to subdivision (c) of Section 13967 of the
3 Government Code, as operative prior to September 28, 1994,
4 subdivision (h) of Section 730.6 of the Welfare and Institutions
5 Code, or subdivision (b) of Section 1202.4, the agency designated
6 by the board of supervisors in the county where the prisoner is
7 incarcerated is authorized to deduct ~~a minimum of 20~~ 80 percent
8 or the balance owing on the order amount, whichever is less, ~~up~~
9 ~~to a maximum of 50 percent~~ from the county ~~jail~~ *correctional*
10 *facility* equivalent of wages and trust account deposits of a prisoner,
11 unless prohibited by federal law. The agency shall transfer that
12 amount to the California Victim Compensation and Government
13 Claims Board for direct payment to the victim, or payment shall
14 be made to the Restitution Fund to the extent that the victim has
15 received assistance pursuant to that program, or may pay the victim
16 directly. The sentencing court shall be provided a record of the
17 payments made to the victims and of the payments deposited to
18 the Restitution Fund pursuant to this subdivision.

19 (e) The secretary shall deduct and retain from the wages and
20 trust account deposits of a prisoner, unless prohibited by federal
21 law, an administrative fee that totals 10 percent of any amount
22 transferred to the California Victim Compensation and Government
23 Claims Board pursuant to subdivision (a) or (c). The secretary
24 shall deduct and retain from any prisoner settlement or trial award,
25 an 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 secretary shall deposit the administrative fee moneys in
29 a special deposit account for reimbursing administrative and
30 support costs of the restitution program of the Department of
31 Corrections and Rehabilitation. The secretary, at his or her
32 discretion, may retain any excess funds in the special deposit
33 account for future reimbursement of the department's
34 administrative and support costs for the restitution program or may
35 transfer all or part of the excess funds for deposit in the Restitution
36 Fund.

37 (f) When a prisoner is punished by imprisonment in a county
38 ~~jail pursuant to subdivision (h) of Section 1170~~ *correctional*
39 *facility*, the agency designated by the board of supervisors in the
40 county where the prisoner is incarcerated is authorized to deduct

1 and retain from the county ~~jail~~ *correctional facility* equivalent of
2 wages and trust account deposits of a prisoner, unless prohibited
3 by federal law, and administrative fee that totals 10 percent of any
4 amount transferred to the California Victim Compensation and
5 Government Claims Board pursuant to subdivision (b) or (d). The
6 agency is authorized to deduct and retain from any prisoner
7 settlement or trial award, an administrative fee that totals 5 percent
8 of any amount paid from the settlement or award to satisfy an
9 outstanding restitution order or fine pursuant to subdivision (n),
10 unless prohibited by federal law. The agency shall deposit the
11 administrative fee moneys in a special deposit account for
12 reimbursing administrative and support costs of the restitution
13 program of the agency. The agency is authorized to retain any
14 excess funds in the special deposit account for future
15 reimbursement of the agency's administrative and support costs
16 for the restitution program or may transfer all or part of the excess
17 funds for deposit in the Restitution Fund.

18 (g) In any case in which a parolee owes a restitution fine
19 imposed pursuant to subdivision (a) of Section 13967 of the
20 Government Code, as operative prior to September 28, 1994,
21 subdivision (b) of Section 730.6 of the Welfare and Institutions
22 Code, or subdivision (b) of Section 1202.4, the secretary, or, when
23 a prisoner is punished by imprisonment in a county ~~jail~~ *pursuant*
24 ~~to subdivision (h) of Section 1170~~ *correctional facility*, the agency
25 designated by the board of supervisors in the county where the
26 prisoner is incarcerated, may collect from the parolee any moneys
27 owing on the restitution fine amount, unless prohibited by federal
28 law. The secretary or the agency shall transfer that amount to the
29 California Victim Compensation and Government Claims Board
30 for deposit in the Restitution Fund in the State Treasury. Any
31 amount so deducted shall be credited against the amount owing
32 on the fine. The sentencing court shall be provided a record of the
33 payments.

34 (h) In any case in which a parolee owes a direct order of
35 restitution, imposed pursuant to subdivision (c) of Section 13967
36 of the Government Code, as operative prior to September 28, 1994,
37 subdivision (h) of Section 730.6 of the Welfare and Institutions
38 Code, or paragraph (3) of subdivision (a) of Section 1202.4, the
39 secretary, or, when a prisoner is punished by imprisonment in a
40 county ~~jail~~ *pursuant to subdivision (h) of Section 1170 correctional*

1 *facility*, the agency designated by the board of supervisors in the
2 county where the prisoner is incarcerated or a local collection
3 program, may collect from the parolee or person previously
4 imprisoned in a county ~~jail~~ *correctional facility* any moneys owing,
5 unless prohibited by federal law. The secretary or the agency shall
6 transfer that amount to the California Victim Compensation and
7 Government Claims Board for direct payment to the victim, or
8 payment shall be made to the Restitution Fund to the extent that
9 the victim has received assistance pursuant to that program. The
10 sentencing court shall be provided a record of the payments made
11 by the offender pursuant to this subdivision.

12 (i) The secretary, or, when a prisoner is punished by
13 imprisonment in a county ~~jail~~ *correctional facility*, the agency designated by the board of
14 ~~H70~~ *correctional facility*, the agency designated by the board of
15 supervisors in the county where the prisoner is incarcerated, may
16 deduct and retain from any moneys collected from parolees an
17 administrative fee that totals 10 percent of any amount transferred
18 to the California Victim Compensation and Government Claims
19 Board pursuant to subdivision (g) or (h), unless prohibited by
20 federal law. The secretary shall deduct and retain from any
21 settlement or trial award of a parolee an administrative fee that
22 totals 5 percent of any amount paid from the settlement or award
23 to satisfy an outstanding restitution order or fine pursuant to
24 subdivision (n), unless prohibited by federal law. The agency is
25 authorized to deduct and retain from any settlement or trial award
26 of a parolee an administrative fee that totals 5 percent of any
27 amount paid from the settlement or award to satisfy an outstanding
28 restitution order or fine pursuant to subdivision (n). The secretary
29 or the agency shall deposit the administrative fee moneys in a
30 special deposit account for reimbursing administrative and support
31 costs of the restitution program of the Department of Corrections
32 and Rehabilitation or the agency, as applicable. The secretary, at
33 his or her discretion, or the agency may retain any excess funds
34 in the special deposit account for future reimbursement of the
35 department's or agency's administrative and support costs for the
36 restitution program or may transfer all or part of the excess funds
37 for deposit in the Restitution Fund.

38 (j) When a prisoner has both a restitution fine and a restitution
39 order from the sentencing court, the Department of Corrections

1 and Rehabilitation shall collect the restitution order first pursuant
2 to subdivision (c).

3 (k) When a prisoner is punished by imprisonment in a county
4 ~~jail pursuant to subdivision (h) of Section 1170~~ *correctional facility*
5 and that prisoner has both a restitution fine and a restitution order
6 from the sentencing court, if the agency designated by the board
7 of supervisors in the county where the prisoner is incarcerated
8 collects the fine and order, the agency shall collect the restitution
9 order first pursuant to subdivision (d).

10 (l) When a parolee has both a restitution fine and a restitution
11 order from the sentencing court, the Department of Corrections
12 and Rehabilitation, or, when the prisoner is punished by
13 imprisonment in a county ~~jail pursuant to subdivision (h) of Section~~
14 ~~1170~~ *correctional facility*, the agency designated by the board of
15 supervisors in the county where the prisoner is incarcerated, may
16 collect the restitution order first, pursuant to subdivision (h).

17 ~~(m) If an inmate is housed at an institution that requires food~~
18 ~~to be purchased from the institution canteen for unsupervised~~
19 ~~overnight visits, and if the money for the purchase of this food is~~
20 ~~received from funds other than the inmate's wages, that money~~
21 ~~shall be exempt from restitution deductions. This exemption shall~~
22 ~~apply to the actual amount spent on food for the visit up to a~~
23 ~~maximum of fifty dollars (\$50) for visits that include the inmate~~
24 ~~and one visitor, seventy dollars (\$70) for visits that include the~~
25 ~~inmate and two or three visitors, and eighty dollars (\$80) for visits~~
26 ~~that include the inmate and four or more visitors.~~

27 ~~(n)~~

28 (m) Any compensatory or punitive damages awarded by trial
29 or settlement to any inmate, parolee, person placed on postrelease
30 community supervision pursuant to Section 3451, or defendant on
31 mandatory supervision imposed pursuant to subparagraph (B) of
32 paragraph (5) of subdivision (h) of Section 1170, in connection
33 with a civil action brought against any federal, state, or local jail,
34 prison, or correctional facility, or any official or agent thereof,
35 shall be paid directly, after payment of reasonable attorney's fees
36 and litigation costs approved by the court, to satisfy any
37 outstanding restitution orders or restitution fines against that
38 person. The balance of any award shall be forwarded to the payee
39 after full payment of all outstanding restitution orders and
40 restitution fines, subject to subdivisions (e) and (i). The Department

1 of Corrections and Rehabilitation shall make all reasonable efforts
2 to notify the victims of the crime for which that person was
3 convicted concerning the pending payment of any compensatory
4 or punitive damages. For any prisoner punished by imprisonment
5 in a county jail pursuant to subdivision (h) of Section 1170, the
6 agency is authorized to make all reasonable efforts to notify the
7 victims of the crime for which that person was convicted
8 concerning the pending payment of any compensatory or punitive
9 damages.

10 ~~(e)~~

11 (n) (1) Amounts transferred to the California Victim
12 Compensation and Government Claims Board for payment of
13 direct orders of restitution shall be paid to the victim within 60
14 days from the date the restitution revenues are received by the
15 California Victim Compensation and Government Claims Board.
16 If the restitution payment to a victim is less than fifty dollars (\$50),
17 then payment need not be forwarded to that victim until the
18 payment reaches fifty dollars (\$50) or until 180 days from the date
19 the first payment is received, whichever occurs sooner.

20 (2) In any case in which a victim cannot be located, the
21 restitution revenues received by the California Victim
22 Compensation and Government Claims Board on behalf of the
23 victim shall be held in trust in the Restitution Fund until the end
24 of the state fiscal year subsequent to the state fiscal year in which
25 the funds were deposited or until the time that the victim has
26 provided current address information, whichever occurs sooner.
27 Amounts remaining in trust at the end of the specified period of
28 time shall revert to the Restitution Fund.

29 (3) (A) Any victim failing to provide a current address within
30 the period of time specified in paragraph (2) may provide
31 documentation to the Department of Corrections and Rehabilitation
32 which in turn shall verify that moneys were in fact collected on
33 behalf of the victim. Upon receipt of that verified information from
34 the Department of Corrections and Rehabilitation, the California
35 Victim Compensation and Government Claims Board shall transmit
36 the restitution revenues to the victim in accordance with the
37 provisions of subdivision (c) or (h).

38 (B) Any victim failing to provide a current address within the
39 period of time specified in paragraph (2) may provide
40 documentation to the agency designated by the board of supervisors

1 in the county where the prisoner ~~punished by imprisonment in a~~
2 ~~county jail pursuant to subdivision (h) of Section 1170~~ is
3 incarcerated, which in turn may verify that moneys were in fact
4 collected on behalf of the victim. Upon receipt of that verified
5 information from the agency, the California Victim Compensation
6 and Government Claims Board shall transmit the restitution
7 revenues to the victim in accordance with the provisions of
8 subdivision (d) or (h).

9 SEC. 2. Section 1752.81 of the Welfare and Institutions Code
10 is amended to read:

11 1752.81. (a) Whenever the Director of the Division of Juvenile
12 Justice has in his or her possession in trust funds of a ward
13 committed to the division, the funds may be released for any
14 purpose when authorized by the ward. When the sum held in trust
15 for any ward by the director exceeds ~~five hundred dollars (\$500)~~
16 *one hundred dollars (\$100)*, the amount in excess of ~~five hundred~~
17 ~~dollars (\$500)~~ *one hundred dollars (\$100)* may be expended by
18 the director pursuant to a lawful order of a court directing payment
19 of the funds, without the authorization of the ward thereto.

20 (b) Whenever an adult or minor is committed to or housed in a
21 Division of Juvenile Facilities facility and he or she owes a
22 restitution fine imposed pursuant to Section 13967 of the
23 Government Code, as operative on or before September 28, 1994,
24 or Section 1202.4 or 1203.04 of the Penal Code, as operative on
25 or before August 2, 1995, or pursuant to Section 729.6, 730.6 or
26 731.1, as operative on or before August 2, 1995, the director shall
27 deduct the balance owing on the fine amount from the trust account
28 deposits of a ward, ~~up to a maximum of 50 or 80~~ percent of the
29 total amount held in trust, *whichever is less*, unless prohibited by
30 federal law. The director shall transfer that amount to the California
31 Victim Compensation and Government Claims Board for deposit
32 in the Restitution Fund in the State Treasury. Any amount so
33 deducted shall be credited against the amount owing on the fine.
34 The sentencing court shall be provided a record of the payments.

35 (c) Whenever an adult or minor is committed to, or housed in,
36 a Division of Juvenile Facilities facility and he or she owes
37 restitution to a victim imposed pursuant to Section 13967 of the
38 Government Code, as operative on or before September 28, 1994,
39 or Section 1202.4 or 1203.04 of the Penal Code, as operative on
40 or before August 2, 1995, or pursuant to Section 729.6, 730.6, or

1 731.1, as operative on or before August 2, 1995, the director shall
2 deduct the balance owing on the order amount from the trust
3 account deposits of a ward, ~~up to a maximum of 50 or 80~~ percent
4 of the total amount held in trust, unless prohibited by federal law.
5 The director shall transfer that amount directly to the victim. If the
6 restitution is owed to a person who has filed an application with
7 the Victims of Crime Program, the director shall transfer that
8 amount to the California Victim Compensation and Government
9 Claims Board for direct payment to the victim or payment shall
10 be made to the Restitution Fund to the extent that the victim has
11 received assistance pursuant to that program. The sentencing court
12 shall be provided a record of the payments made to victims and
13 of the payments deposited to the Restitution Fund pursuant to this
14 subdivision.

15 (d) Any compensatory or punitive damages awarded by trial or
16 settlement to a minor or adult committed to the Division of Juvenile
17 Facilities in connection with a civil action brought against any
18 federal, state, or local jail or correctional facility, or any official
19 or agent thereof, shall be paid directly, after payment of reasonable
20 attorney's fees and litigation costs approved by the court, to satisfy
21 any outstanding restitution orders or restitution fines against the
22 minor or adult. The balance of any award shall be forwarded to
23 the minor or adult committed to the Division of Juvenile Facilities
24 after full payment of all outstanding restitution orders and
25 restitution fines subject to subdivision (e). The Division of Juvenile
26 Facilities shall make all reasonable efforts to notify the victims of
27 the crime for which the minor or adult was committed concerning
28 the pending payment of any compensatory or punitive damages.
29 This subdivision shall apply to cases settled or awarded on or after
30 April 26, 1996, pursuant to Sections 807 and 808 of Title VIII of
31 the federal Prison Litigation Reform Act of 1995 (P.L. 104-134;
32 18 U.S.C. Sec. 3626 (Historical and Statutory Notes)).

33 (e) The director shall deduct and retain from the trust account
34 deposits of a ward, unless prohibited by federal law, an
35 administrative fee that totals 10 percent of any amount transferred
36 pursuant to subdivision (b) and (c), or 5 percent of any amount
37 transferred pursuant to subdivision (d). The director shall deposit
38 the administrative fee moneys in a special deposit account for
39 reimbursing administrative and support costs of the restitution and
40 victims program of the Division of Juvenile Facilities. The director,

1 at his or her discretion, may retain any excess funds in the special
2 deposit account for future reimbursement of the division's
3 administrative and support costs for the restitution and victims
4 program or may transfer all or part of the excess funds for deposit
5 in the Restitution Fund.

6 (f) When a ward has both a restitution fine and a restitution
7 order from the sentencing court, the Division of Juvenile Facilities
8 shall collect the restitution order first pursuant to subdivision (c).

9 (g) Notwithstanding subdivisions (a), (b), and (c), whenever the
10 director holds in trust a ward's funds in excess of five dollars (\$5)
11 and the ward cannot be located, after one year from the date of
12 discharge, absconding from the Division of Juvenile Facilities
13 supervision, or escape, the Division of Juvenile Facilities shall
14 apply the trust account balance to any unsatisfied victim restitution
15 order or fine owed by that ward. If the victim restitution order or
16 fine has been satisfied, the remainder of the ward's trust account
17 balance, if any, shall be transferred to the Benefit Fund to be
18 expended pursuant to Section 1752.5. If the victim to whom a
19 particular ward owes restitution cannot be located, the moneys
20 shall be transferred to the Benefit Fund to be expended pursuant
21 to Section 1752.5.

22 SEC. 3. Section 1752.82 of the Welfare and Institutions Code
23 is amended to read:

24 1752.82. (a) Whenever an adult or minor is committed to or
25 housed in a ~~Youth Authority~~ *Division of Juvenile Facilities* facility
26 and he or she owes restitution to a victim or a restitution fine
27 imposed pursuant to Section 13967, as operative on or before
28 September 28, 1994, of the Government Code, or Section 1202.4
29 of the Penal Code, or Section 1203.04, as operative on or before
30 August 2, 1994, of the Penal Code, or pursuant to Section 729.6,
31 as operative on or before August 2, 1995, Section 730.6 or 731.1,
32 as operative on or before August 2, 1995, the director ~~may~~ *shall*
33 ~~deduct a reasonable amount not to exceed 50~~ *either the balance*
34 *owing on the restitution fine or order or 80 percent* from the wages
35 of that adult or minor ~~and the, whichever is less, unless prohibited~~
36 *by federal law. The amount so deducted, exclusive of the costs of*
37 *administering this section, which shall be retained by the director,*
38 *shall be transferred to the California Victim Compensation and*
39 *Government Claims Board for deposit in the Restitution Fund in*
40 *the State Treasury in the case of a restitution fine, or, in the case*

1 of a restitution order, and upon the request of the victim, shall be
2 paid directly to the victim. Any amount so deducted shall be
3 credited against the amount owing on the fine or to the victim. The
4 committing court shall be provided a record of any payments.

5 (b) A victim who has requested that restitution payments be
6 paid directly to him or her pursuant to subdivision (a) shall provide
7 a current address to the ~~Youth Authority~~ *division* to enable the
8 ~~Youth Authority~~ *division* to send restitution payments collected
9 on the victim's behalf to the victim.

10 (c) In the case of a restitution order, whenever the victim has
11 died, cannot be located, or has not requested the restitution
12 payment, the director ~~may shall~~ deduct ~~a reasonable amount not~~
13 ~~to exceed 50~~ *either the balance owing on the restitution order or*
14 *80 percent of the wages of that adult or minor and the, unless*
15 *prohibited by federal law. The amount so deducted, exclusive of*
16 *the costs of administering this section, which shall be retained by*
17 *the director, shall be transferred to the California Victim*
18 *Compensation and Government Claims Board, pursuant to*
19 *subdivision (d), after one year has elapsed from the time the ward*
20 *is discharged by the ~~Youth Authority Board~~ Division of Juvenile*
21 *Justice. Any amount so deducted shall be credited against the*
22 *amount owing to the victim. The funds so transferred shall be*
23 *deposited in the Restitution Fund.*

24 (d) If the ~~Youth Authority~~ *Division of Juvenile Facilities* has
25 collected restitution payments on behalf of a victim, the victim
26 shall request those payments no later than one year after the ward
27 has been discharged by the ~~Youth Authority Board~~ *Division of*
28 *Juvenile Justice. Any victim who fails to request those payments*
29 *within that time period shall have relinquished all rights to the*
30 *payments, unless he or she can show reasonable cause for failure*
31 *to request those payments within that time period.*

32 (e) The director shall transfer to the California Victim
33 Compensation and Government Claims Board all restitution
34 payments collected prior to the effective date of this section on
35 behalf of victims who have died, cannot be located, or have not
36 requested restitution payments. The California Victim
37 Compensation and Government Claims Board shall deposit these
38 amounts in the Restitution Fund.

- 1 (f) For purposes of this section, “victim” includes a victim’s
- 2 immediate surviving family member, on whose behalf restitution
- 3 has been ordered.

O