

AMENDED IN ASSEMBLY JUNE 12, 2014
AMENDED IN ASSEMBLY MARCH 10, 2014
AMENDED IN ASSEMBLY JUNE 18, 2013
AMENDED IN SENATE MAY 8, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 419

Introduced by Senator Block

February 21, 2013

An act to amend Sections 1214 and 2085.5 of the Penal Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as amended, Block. Restitution: collection of fines and fees.

(1) Existing law requires the court to order criminal defendants to pay restitution to the victim or victims as well as a restitution fine. Existing law makes any portion of a restitution fine or restitution fee that remains unsatisfied after a defendant is no longer on probation, parole, postrelease community supervision, or mandatory supervision, or *after the defendant has* completed diversion enforceable by the California Victim Compensation and Government Claims Board, as specified, and authorizes a local collection program to continue to enforce restitution orders once a defendant is no longer on probation, postrelease community supervision, or mandatory supervision.

This bill, in addition, would make restitution fines and fees that remain unsatisfied after a person has completed a ~~full~~ term in custody in a county jail enforceable by the California Victim Compensation and

Government Claims Board and would authorize a local collection program to continue to collect those fines and fees.

(2) Existing law ~~requires the Secretary of the Department of Corrections and Rehabilitation to collect restitution fines and fees from inmates and authorizes the collection of those *restitution* fines and fees from inmates in county jails by an agency designated by the county board of supervisors. Existing law authorizes the secretary, the local agency designated by the county board of supervisors, or, under specified circumstances, a local collection program to collect restitution fines and fees from parolees. Existing law authorizes the secretary and the local agency to deduct and retain administrative fees for fines collected from parolees.~~ *certain county jail inmates.*

~~This bill would authorize the secretary, the agency designated by the county board of supervisors, or, under specified circumstances, a local collection program to collect restitution fines and fees from people on postrelease community supervision, mandatory supervision, and county jail inmates who have served a completed sentence in a county jail and to deduct and retain administrative fees for those collections.~~

This bill would also authorize the local agency to charge those county jail inmates, upon their release from custody, a fee to cover the actual administrative cost of collection, up to 10% of the total amount ordered to be paid.

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 1214 of the Penal Code is amended to
2 read:
3 1214. (a) If the judgment is for a fine, including a restitution
4 fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or
5 Section 1203.04 as operative on or before August 2, 1995, or
6 Section 13967 of the Government Code, as operative on or before
7 September 28, 1994, with or without imprisonment, or a diversion
8 restitution fee ordered pursuant to Section 1001.90, the judgment
9 may be enforced in the manner provided for the enforcement of
10 money judgments generally. Any portion of a restitution fine or
11 restitution fee that remains unsatisfied after a defendant is no longer
12 on probation, parole, postrelease community supervision pursuant
13 to Section 3451, or mandatory supervision pursuant to

1 subparagraph (B) of paragraph (5) of subdivision (h) of Section
2 1170, after a full term in custody pursuant to subparagraph (A) of
3 paragraph (5) of subdivision (h) of Section 1170, or after
4 completing diversion is enforceable by the California Victim
5 Compensation and Government Claims Board pursuant to this
6 section. Notwithstanding any other provision of law prohibiting
7 disclosure, the state, as defined in Section 900.6 of the Government
8 Code, a local public entity, as defined in Section 900.4 of the
9 Government Code, or any other entity, may provide the California
10 Victim Compensation and Government Claims Board any and all
11 information to assist in the collection of unpaid portions of a
12 restitution fine for terminated probation or parole cases, or of a
13 restitution fee for completed diversion cases. For purposes of the
14 preceding sentence, “state, as defined in Section 900.6 of the
15 Government Code,” and “any other entity” shall not include the
16 Franchise Tax Board. A local collection program may continue to
17 enforce restitution fine orders once a defendant is no longer on
18 probation, postrelease community supervision, or mandatory
19 supervision or after a full term in custody pursuant to subparagraph
20 (A) of paragraph (5) of subdivision (h) of Section 1170.

21 (b) In any case in which a defendant is ordered to pay restitution,
22 the order to pay restitution (1) is deemed a money judgment if the
23 defendant was informed of his or her right to have a judicial
24 determination of the amount and was provided with a hearing,
25 waived a hearing, or stipulated to the amount of the restitution
26 ordered, and (2) shall be fully enforceable by a victim as if the
27 restitution order were a civil judgment, and enforceable in the same
28 manner as is provided for the enforcement of any other money
29 judgment. Upon the victim’s request, the court shall provide the
30 victim in whose favor the order of restitution is entered with a
31 certified copy of that order and a copy of the defendant’s disclosure
32 pursuant to paragraph (5) of subdivision (f) of Section 1202.4,
33 affidavit or information pursuant to paragraph (6) of subdivision
34 (f) of Section 1202.4, or report pursuant to paragraph (8) of
35 subdivision (f) of Section 1202.4. The court also shall provide this
36 information to the district attorney upon request in connection with
37 an investigation or prosecution involving perjury or the veracity
38 of the information contained within the defendant’s financial
39 disclosure. In addition, upon request, the court shall provide the
40 California Victim Compensation and Government Claims Board

1 with a certified copy of any order imposing a restitution fine or
2 order and a copy of the defendant's disclosure pursuant to
3 paragraph (5) of subdivision (f) of Section 1202.4, affidavit or
4 information pursuant to paragraph (6) of subdivision (f) of Section
5 1202.4, or report pursuant to paragraph (8) of subdivision (f) of
6 Section 1202.4. A victim shall have access to all resources available
7 under the law to enforce the restitution order, including, but not
8 limited to, access to the defendant's financial records, use of wage
9 garnishment and lien procedures, information regarding the
10 defendant's assets, and the ability to apply for restitution from any
11 fund established for the purpose of compensating victims in civil
12 cases. Any portion of a restitution order that remains unsatisfied
13 after a defendant is no longer on probation, parole, postrelease
14 community supervision under Section 3451, or mandatory
15 supervision imposed pursuant to subparagraph (B) of paragraph
16 (5) of subdivision (h) of Section 1170 or after a ~~full~~ term in custody
17 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
18 of Section 1170 is enforceable by the victim pursuant to this
19 section. Victims and the California Victim Compensation and
20 Government Claims Board shall inform the court whenever an
21 order to pay restitution is satisfied. A local collection program may
22 continue to enforce victim restitution orders once a defendant is
23 no longer on probation, postrelease community supervision, or
24 mandatory supervision or after completion of a ~~full~~ term in custody
25 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
26 of Section 1170.

27 (c) Except as provided in subdivision (d), and notwithstanding
28 the amount in controversy limitation of Section 85 of the Code of
29 Civil Procedure, a restitution order or restitution fine that was
30 imposed pursuant to Section 1202.4 in any of the following cases
31 may be enforced in the same manner as a money judgment in a
32 limited civil case:

- 33 (1) In a misdemeanor case.
- 34 (2) In a case involving violation of a city or town ordinance.
- 35 (3) In a noncapital criminal case where the court has received
36 a plea of guilty or nolo contendere.

37 (d) Chapter 3 (commencing with Section 683.010) of Division
38 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
39 to any of the following:

1 (1) A judgment for court-ordered fines, forfeitures, penalties,
2 fees, or assessments.

3 (2) A restitution fine or restitution order imposed pursuant to
4 Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as
5 operative on or before August 2, 1995, or Section 13967 of the
6 Government Code, as operative on or before September 28, 1994.

7 (3) A diversion restitution fee ordered pursuant to Section
8 1001.90.

9 ~~SEC. 2.— Section 2085.5 of the Penal Code is amended to read:~~

10 ~~2085.5.— (a) In any case in which a state prison inmate owes a~~
11 ~~restitution fine imposed pursuant to subdivision (a) of Section~~
12 ~~13967 of the Government Code, as operative prior to September~~
13 ~~28, 1994, subdivision (b) of Section 730.6 of the Welfare and~~
14 ~~Institutions Code, or subdivision (b) of Section 1202.4, the~~
15 ~~Secretary of the Department of Corrections and Rehabilitation~~
16 ~~shall deduct a minimum of 20 percent or the balance owing on the~~
17 ~~fine amount, whichever is less, up to a maximum of 50 percent~~
18 ~~from the wages and trust account deposits of the state prison~~
19 ~~inmate, unless prohibited by federal law, and shall transfer that~~
20 ~~amount to the California Victim Compensation and Government~~
21 ~~Claims Board for deposit in the Restitution Fund in the State~~
22 ~~Treasury. The amount deducted shall be credited against the~~
23 ~~amount owing on the fine. The sentencing court shall be provided~~
24 ~~a record of the payments.~~

25 ~~(b) (1) In any case in which a county jail prisoner owes a~~
26 ~~restitution fine imposed pursuant to subdivision (a) of Section~~
27 ~~13967 of the Government Code, as operative prior to September~~
28 ~~28, 1994, subdivision (b) of Section 730.6 of the Welfare and~~
29 ~~Institutions Code, or subdivision (b) of Section 1202.4, the agency~~
30 ~~designated by the board of supervisors in the county where the~~
31 ~~county jail prisoner is incarcerated is authorized to deduct a~~
32 ~~minimum of 20 percent or the balance owing on the fine amount,~~
33 ~~whichever is less, up to a maximum of 50 percent from the county~~
34 ~~jail equivalent of wages and trust account deposits of a county jail~~
35 ~~prisoner, unless prohibited by federal law, and shall transfer that~~
36 ~~amount to the California Victim Compensation and Government~~
37 ~~Claims Board for deposit in the Restitution Fund in the State~~
38 ~~Treasury. The amount deducted shall be credited against the~~
39 ~~amount owing on the fine. The sentencing court shall be provided~~
40 ~~a record of the payments.~~

1 ~~(2) If the board of supervisors designates the county sheriff as~~
2 ~~the collecting agency, the board of supervisors shall first obtain~~
3 ~~the concurrence of the county sheriff.~~

4 ~~(e) In any case in which a state prison inmate owes a restitution~~
5 ~~order imposed pursuant to subdivision (c) of Section 13967 of the~~
6 ~~Government Code, as operative prior to September 28, 1994,~~
7 ~~subdivision (h) of Section 730.6 of the Welfare and Institutions~~
8 ~~Code, or subdivision (f) of Section 1202.4, the Secretary of the~~
9 ~~Department of Corrections and Rehabilitation shall deduct a~~
10 ~~minimum of 20 percent or the balance owing on the order amount,~~
11 ~~whichever is less, up to a maximum of 50 percent from the wages~~
12 ~~and trust account deposits of a state prison inmate, unless~~
13 ~~prohibited by federal law. The secretary shall transfer that amount~~
14 ~~to the California Victim Compensation and Government Claims~~
15 ~~Board for direct payment to the victim, or payment shall be made~~
16 ~~to the Restitution Fund to the extent that the victim has received~~
17 ~~assistance pursuant to that program. The sentencing court shall be~~
18 ~~provided a record of the payments made to victims and of the~~
19 ~~payments deposited to the Restitution Fund pursuant to this~~
20 ~~subdivision.~~

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

39 ~~(e) The secretary shall deduct and retain from the wages and~~
40 ~~trust account deposits of a state prison inmate, unless prohibited~~

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

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

36 (g) In any case in which a postrelease offender owes a restitution
37 fine 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 the

1 agency designated by the board of supervisors in the county where
2 the postrelease offender was incarcerated, may collect from the
3 postrelease offender any moneys owing on the restitution fine
4 amount, unless prohibited by federal law. The secretary or the
5 agency shall transfer that amount to the California Victim
6 Compensation and Government Claims Board for deposit in the
7 Restitution Fund in the State Treasury. The amount deducted shall
8 be credited against the amount owing on the fine. The sentencing
9 court shall be provided a record of the payments.

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

26 (i) The secretary or the agency designated by the board of
27 supervisors in the county where the postrelease offender was
28 incarcerated may deduct and retain from moneys collected from
29 postrelease offenders an administrative fee that totals 10 percent
30 of any amount transferred to the California Victim Compensation
31 and Government Claims Board pursuant to subdivision (g) or (h),
32 unless prohibited by federal law. The secretary shall deduct and
33 retain from any settlement or trial award of a parolee an
34 administrative fee that totals 5 percent of any amount paid from
35 the settlement or award to satisfy an outstanding restitution order
36 or fine pursuant to subdivision (n), unless prohibited by federal
37 law. The agency is authorized to deduct and retain from any
38 settlement or trial award of a postrelease offender an administrative
39 fee that totals 5 percent of an amount paid from the settlement or
40 award to satisfy an outstanding restitution order or fine pursuant

1 to subdivision (n). The secretary or the agency shall deposit the
2 administrative fee moneys in a special deposit account for
3 reimbursing administrative and support costs of the restitution
4 program of the Department of Corrections and Rehabilitation or
5 the agency, as applicable. The secretary, at his or her discretion,
6 or the agency may retain any excess funds in the special deposit
7 account for future reimbursement of the department's or agency's
8 administrative and support costs for the restitution program or may
9 transfer all or part of the excess funds for deposit in the Restitution
10 Fund.

11 (j) ~~When a state prison inmate has both a restitution fine and a~~
12 ~~restitution order from the sentencing court, the Department of~~
13 ~~Corrections and Rehabilitation shall collect the restitution order~~
14 ~~first pursuant to subdivision (e).~~

15 (k) ~~When a county jail prisoner has both a restitution fine and~~
16 ~~a restitution order from the sentencing court, if the agency~~
17 ~~designated by the board of supervisors in the county where the~~
18 ~~county jail prisoner is incarcerated collects the fine and order, the~~
19 ~~agency shall collect the restitution order first pursuant to~~
20 ~~subdivision (d).~~

21 (l) ~~When a postrelease offender has both a restitution fine and~~
22 ~~a restitution order from the sentencing court, the Department of~~
23 ~~Corrections and Rehabilitation or the agency designated by the~~
24 ~~board of supervisors in the county where the postrelease offender~~
25 ~~was incarcerated, may collect the restitution order first, pursuant~~
26 ~~to subdivision (h).~~

27 (m) ~~If an inmate is housed at an institution that requires food~~
28 ~~to be purchased from the institution canteen for unsupervised~~
29 ~~overnight visits, and if the money for the purchase of this food is~~
30 ~~received from funds other than the inmate's wages, that money~~
31 ~~shall be exempt from restitution deductions. This exemption shall~~
32 ~~apply to the actual amount spent on food for the visit up to a~~
33 ~~maximum of fifty dollars (\$50) for visits that include the inmate~~
34 ~~and one visitor, seventy dollars (\$70) for visits that include the~~
35 ~~inmate and two or three visitors, and eighty dollars (\$80) for visits~~
36 ~~that include the inmate and four or more visitors.~~

37 (n) ~~Compensatory or punitive damages awarded by trial or~~
38 ~~settlement to a state prison inmate, a county jail prisoner, or a~~
39 ~~postrelease offender in connection with a civil action brought~~
40 ~~against a federal, state, or local jail, prison, or correctional facility,~~

1 or any official or agent thereof, shall be paid directly, after payment
2 of reasonable attorney's fees and litigation costs approved by the
3 court, to satisfy any outstanding restitution orders or restitution
4 fines against that person. The balance of the award shall be
5 forwarded to the payee after full payment of all outstanding
6 restitution orders and restitution fines, subject to subdivisions (e)
7 and (i). The Department of Corrections and Rehabilitation shall
8 make all reasonable efforts to notify the victims of the crime for
9 which that person was convicted concerning the pending payment
10 of any compensatory or punitive damages. For a county jail
11 prisoner, the agency is authorized to make all reasonable efforts
12 to notify the victims of the crime for which that person was
13 convicted concerning the pending payment of any compensatory
14 or punitive damages.

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

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

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

1 ~~(B) A victim failing to provide a current address within the~~
 2 ~~period of time specified in paragraph (2) may provide~~
 3 ~~documentation to the agency designated by the board of supervisors~~
 4 ~~in the county where the county jail prisoner is incarcerated, which~~
 5 ~~then may verify that moneys were, in fact, collected on behalf of~~
 6 ~~the victim. Upon receipt of that verified information from the~~
 7 ~~agency, the California Victim Compensation and Government~~
 8 ~~Claims Board shall transmit the restitution revenues to the victim~~
 9 ~~in accordance with the provisions of subdivision (d) or (h).~~

10 ~~(p) For purposes of this section, the following definitions shall~~
 11 ~~apply:~~

12 ~~(1) "County jail prisoner" means a person punished by~~
 13 ~~imprisonment in a county jail pursuant to subdivision (h) of Section~~
 14 ~~1170.~~

15 ~~(2) "Postrelease offender" means a person who is on parole, is~~
 16 ~~placed on postrelease community supervision pursuant to Section~~
 17 ~~3451, is on mandatory supervision pursuant to subparagraph (B)~~
 18 ~~of paragraph (5) of subdivision (h) of Section 1170, or a person~~
 19 ~~who has served a completed term in county jail and been released.~~

20 ~~(3) "State prison inmate" means a person sentenced to and~~
 21 ~~serving time in a state prison.~~

22 *SEC. 2. Section 2085.5 of the Penal Code is amended to read:*

23 2085.5. (a) In any case in which a prisoner owes a restitution
 24 fine imposed pursuant to subdivision (a) of Section 13967 of the
 25 Government Code, as operative prior to September 28, 1994,
 26 subdivision (b) of Section 730.6 of the Welfare and Institutions
 27 Code, or subdivision (b) of Section 1202.4, the Secretary of the
 28 Department of Corrections and Rehabilitation shall deduct a
 29 minimum of 20 percent or the balance owing on the fine amount,
 30 whichever is less, up to a maximum of 50 percent from the wages
 31 and trust account deposits of a prisoner, unless prohibited by
 32 federal law, and shall transfer that amount to the California Victim
 33 Compensation and Government Claims Board for deposit in the
 34 Restitution Fund in the State Treasury. ~~Any~~ *The amount so*
 35 ~~deducted shall be credited against the amount owing on the fine.~~
 36 ~~The sentencing court shall be provided a record of the payments.~~

37 (b) (1) When a prisoner is punished by imprisonment in a
 38 county jail pursuant to subdivision (h) of Section 1170, in any case
 39 in which a prisoner owes a restitution fine imposed pursuant to
 40 subdivision (a) of Section 13967 of the Government Code, as

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

14 (2) If the board of supervisors designates the county sheriff as
15 the collecting agency, the board of supervisors shall first obtain
16 the concurrence of the county sheriff.

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

34 (d) When a prisoner is punished by imprisonment in a county
35 jail pursuant to subdivision (h) of Section 1170, in any case in
36 which a prisoner owes a restitution order imposed pursuant to
37 subdivision (c) of Section 13967 of the Government Code, as
38 operative prior to September 28, 1994, subdivision (h) of Section
39 730.6 of the Welfare and Institutions Code, or subdivision (b) of
40 Section 1202.4, the agency designated by the board of supervisors

1 in the county where the prisoner is incarcerated is authorized to
2 deduct a minimum of 20 percent or the balance owing on the order
3 amount, whichever is less, up to a maximum of 50 percent from
4 the county jail equivalent of wages and trust account deposits of
5 a prisoner, unless prohibited by federal law. 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, or
10 may pay the victim directly. The sentencing court shall be provided
11 a record of the payments made to the victims and of the payments
12 deposited to the Restitution Fund pursuant to this subdivision.

13 (e) The secretary shall deduct and retain from the wages and
14 trust account deposits of a prisoner, unless prohibited by federal
15 law, an administrative fee that totals 10 percent of any amount
16 transferred to the California Victim Compensation and Government
17 Claims Board pursuant to subdivision (a) or (c). The secretary
18 shall deduct and retain from any prisoner settlement or trial award,
19 an administrative fee that totals 5 percent of any amount paid from
20 the settlement or award to satisfy an outstanding restitution order
21 or fine pursuant to subdivision (n), unless prohibited by federal
22 law. The secretary shall deposit the administrative fee moneys in
23 a special deposit account for reimbursing administrative and
24 support costs of the restitution program of the Department of
25 Corrections and Rehabilitation. The secretary, at his or her
26 discretion, may retain any excess funds in the special deposit
27 account for future reimbursement of the department's
28 administrative and support costs for the restitution program or may
29 transfer all or part of the excess funds for deposit in the Restitution
30 Fund.

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

1 administrative fee that totals 5 percent of any amount paid from
2 the settlement or award to satisfy an outstanding restitution order
3 or fine pursuant to subdivision (n), unless prohibited by federal
4 law. *Upon release from custody pursuant to subdivision (h) of*
5 *Section 1170, the agency is authorized to charge a fee to cover*
6 *the actual administrative cost of collection, not to exceed 10*
7 *percent of the total amount ordered to be paid.* The agency shall
8 deposit the administrative fee moneys in a special deposit account
9 for reimbursing administrative and support costs of the restitution
10 program of the agency. The agency is authorized to retain any
11 excess funds in the special deposit account for future
12 reimbursement of the agency's administrative and support costs
13 for the restitution program or may transfer all or part of the excess
14 funds for deposit in the Restitution Fund.

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

30 (h) In any case in which a parolee owes a direct order of
31 restitution, imposed pursuant to subdivision (c) of Section 13967
32 of the Government Code, as operative prior to September 28, 1994,
33 subdivision (h) of Section 730.6 of the Welfare and Institutions
34 Code, or paragraph (3) of subdivision (a) of Section 1202.4, the
35 secretary, or, when a prisoner is punished by imprisonment in a
36 county jail pursuant to subdivision (h) of Section 1170, the agency
37 designated by the board of supervisors in the county where the
38 prisoner is incarcerated or a local collection program, may collect
39 from the parolee or person previously imprisoned in county jail
40 any moneys owing, unless prohibited by federal law. The secretary

1 or the agency shall transfer that amount to the California Victim
2 Compensation and Government Claims Board for direct payment
3 to the victim, or payment shall be made to the Restitution Fund to
4 the extent that the victim has received assistance pursuant to that
5 program. The sentencing court shall be provided a record of the
6 payments made by the offender pursuant to this subdivision.

7 (i) The secretary, or, when a prisoner is punished by
8 imprisonment in a county jail pursuant to subdivision (h) of Section
9 1170, the agency designated by the board of supervisors in the
10 county where the prisoner is incarcerated, may deduct and retain
11 from ~~any~~ moneys collected from parolees an administrative fee
12 that totals 10 percent of any amount transferred to the California
13 Victim Compensation and Government Claims Board pursuant to
14 subdivision (g) or (h), unless prohibited by federal law. The
15 secretary shall deduct and retain from any settlement or trial award
16 of a parolee an administrative fee that totals 5 percent of ~~any an~~
17 amount paid from the settlement or award to satisfy an outstanding
18 restitution order or fine pursuant to subdivision (n), unless
19 prohibited by federal law. The agency is authorized to deduct and
20 retain from any settlement or trial award of a parolee an
21 administrative fee that totals 5 percent of any amount paid from
22 the settlement or award to satisfy an outstanding restitution order
23 or fine pursuant to subdivision (n). The secretary or the agency
24 shall deposit the administrative fee moneys in a special deposit
25 account for reimbursing administrative and support costs of the
26 restitution program of the Department of Corrections and
27 Rehabilitation or the agency, as applicable. The secretary, at his
28 or her discretion, or the agency may retain any excess funds in the
29 special deposit account for future reimbursement of the
30 department's or agency's administrative and support costs for the
31 restitution program or may transfer all or part of the excess funds
32 for deposit in the Restitution Fund.

33 (j) When a prisoner has both a restitution fine and a restitution
34 order from the sentencing court, the Department of Corrections
35 and Rehabilitation shall collect the restitution order first pursuant
36 to subdivision (c).

37 (k) When a prisoner is punished by imprisonment in a county
38 jail pursuant to subdivision (h) of Section 1170 and that prisoner
39 has both a restitution fine and a restitution order from the
40 sentencing court, if the agency designated by the board of

1 supervisors in the county where the prisoner is incarcerated collects
2 the fine and order, the agency shall collect the restitution order
3 first pursuant to subdivision (d).

4 (l) When a parolee has both a restitution fine and a restitution
5 order from the sentencing court, the Department of Corrections
6 and Rehabilitation, or, when the prisoner is punished by
7 imprisonment in a county jail pursuant to subdivision (h) of Section
8 1170, the agency designated by the board of supervisors in the
9 county where the prisoner is incarcerated, may collect the
10 restitution order first, pursuant to subdivision (h).

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

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

1 convicted concerning the pending payment of any compensatory
2 or punitive damages.

3 (o) (1) Amounts transferred to the California Victim
4 Compensation and Government Claims Board for payment of
5 direct orders of restitution shall be paid to the victim within 60
6 days from the date the restitution revenues are received by the
7 California Victim Compensation and Government Claims Board.
8 If the restitution payment to a victim is less than fifty dollars (\$50),
9 then payment need not be forwarded to that victim until the
10 payment reaches fifty dollars (\$50) or until 180 days from the date
11 the first payment is received, whichever occurs sooner.

12 (2) ~~In any case in which~~ *If* a victim cannot be located, the
13 restitution revenues received by the California Victim
14 Compensation and Government Claims Board on behalf of the
15 victim shall be held in trust in the Restitution Fund until the end
16 of the state fiscal year subsequent to the state fiscal year in which
17 the funds were deposited or until the time that the victim has
18 provided current address information, whichever occurs sooner.
19 Amounts remaining in trust at the end of the specified period of
20 time shall revert to the Restitution Fund.

21 (3) (A) ~~Any~~ *A* victim failing to provide a current address within
22 the period of time specified in paragraph (2) may provide
23 documentation to the Department of Corrections and ~~Rehabilitation~~
24 *Rehabilitation*, which ~~in turn~~ shall verify that moneys were ~~in fact~~
25 collected on behalf of the victim. Upon receipt of that verified
26 information from the Department of Corrections and Rehabilitation,
27 the California Victim Compensation and Government Claims
28 Board shall transmit the restitution revenues to the victim in
29 accordance with the provisions of subdivision (c) or (h).

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

- 1 restitution revenues to the victim in accordance with the provisions
- 2 of subdivision (d) or (h).

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