

AMENDED IN ASSEMBLY AUGUST 14, 2014

AMENDED IN ASSEMBLY JULY 3, 2014

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 ~~fin~~es and ~~fee~~s: *fin*es, *fee*s, and *orde*rs.

(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 *and restitution orders* that remain unsatisfied after a person has completed a 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~~: *fines, fees, and orders*.

(2) Existing law authorizes the collection of restitution ~~fines and fees~~ *fines, fees, and orders* from inmates in county jails by an agency designated by the county board of supervisors. Existing law authorizes the local agency to deduct and retain administrative fees for fines collected from certain county jail inmates.

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.

(3) *Existing law authorizes the agency designated by the county board of supervisors or a local collection program to collect any moneys owing on a direct restitution order from a person previously imprisoned in a county jail, unless prohibited by federal law. Existing law requires the agency to transfer amounts collected pursuant to that provision to the California Victim Compensation and Government Claims Board for direct payment to the victim, or requires that payment be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program.*

This bill would also authorize the agency to use the funds collected to pay the victim directly.

(3)

(4) This bill would, contingent upon the enactment of SB 1197 of the 2013–14 Regular Session, incorporate additional conforming changes.

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

1 Section 13967 of the Government Code, as operative on or before
2 September 28, 1994, with or without imprisonment, or a diversion
3 restitution fee ordered pursuant to Section 1001.90, the judgment
4 may be enforced in the manner provided for the enforcement of
5 money judgments generally. Any portion of a restitution fine or
6 restitution fee that remains unsatisfied after a defendant is no longer
7 on probation, parole, postrelease community supervision pursuant
8 to Section 3451, or mandatory supervision pursuant to
9 subparagraph (B) of paragraph (5) of subdivision (h) of Section
10 1170, after a term in custody pursuant to subparagraph (A) of
11 paragraph (5) of subdivision (h) of Section 1170, or after
12 completing diversion is enforceable by the California Victim
13 Compensation and Government Claims Board pursuant to this
14 section. Notwithstanding any other provision of law prohibiting
15 disclosure, the state, as defined in Section 900.6 of the Government
16 Code, a local public entity, as defined in Section 900.4 of the
17 Government Code, or any other entity, may provide the California
18 Victim Compensation and Government Claims Board any and all
19 information to assist in the collection of unpaid portions of a
20 restitution fine for terminated probation or parole cases, or of a
21 restitution fee for completed diversion cases. For purposes of the
22 preceding sentence, “state, as defined in Section 900.6 of the
23 Government Code,” and “any other entity” shall not include the
24 Franchise Tax Board. A local collection program may continue to
25 collect restitution fines and restitution orders once a defendant is
26 no longer on probation, postrelease community supervision, or
27 mandatory supervision or after a term in custody pursuant to
28 subparagraph (A) of paragraph (5) of subdivision (h) of Section
29 1170.

30 (b) In any case in which a defendant is ordered to pay restitution,
31 the order to pay restitution (1) is deemed a money judgment if the
32 defendant was informed of his or her right to have a judicial
33 determination of the amount and was provided with a hearing,
34 waived a hearing, or stipulated to the amount of the restitution
35 ordered, and (2) shall be fully enforceable by a victim as if the
36 restitution order were a civil judgment, and enforceable in the same
37 manner as is provided for the enforcement of any other money
38 judgment. Upon the victim’s request, the court shall provide the
39 victim in whose favor the order of restitution is entered with a
40 certified copy of that order and a copy of the defendant’s disclosure

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

36 (c) Except as provided in subdivision (d), and notwithstanding
37 the amount in controversy limitation of Section 85 of the Code of
38 Civil Procedure, a restitution order or restitution fine that was
39 imposed pursuant to Section 1202.4 in any of the following cases

1 may be enforced in the same manner as a money judgment in a
2 limited civil case:

3 (1) In a misdemeanor case.

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

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

7 (d) Chapter 3 (commencing with Section 683.010) of Division
8 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
9 to any of the following:

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

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

16 (3) A diversion restitution fee ordered pursuant to Section
17 1001.90.

18 SEC. 1.5. Section 1214 of the Penal Code is amended to read:

19 1214. (a) If the judgment is for a fine, including a restitution
20 fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or
21 Section 1203.04 as operative on or before August 2, 1995, or
22 Section 13967 of the Government Code, as operative on or before
23 September 28, 1994, with or without imprisonment, or a diversion
24 restitution fee ordered pursuant to Section 1001.90, the judgment
25 may be enforced in the manner provided for the enforcement of
26 money judgments generally. Any portion of a restitution fine or
27 restitution fee that remains unsatisfied after a defendant is no longer
28 on probation, parole, postrelease community supervision pursuant
29 to Section 3451, or mandatory supervision pursuant to
30 subparagraph (B) of paragraph (5) of subdivision (h) of Section
31 1170, after a term in custody pursuant to subparagraph (A) of
32 paragraph (5) of subdivision (h) of Section 1170, or after
33 completing diversion is enforceable by the California Victim
34 Compensation and Government Claims Board pursuant to this
35 section. Notwithstanding any other provision of law prohibiting
36 disclosure, the state, as defined in Section 900.6 of the Government
37 Code, a local public entity, as defined in Section 900.4 of the
38 Government Code, or any other entity, may provide the California
39 Victim Compensation and Government Claims Board any and all
40 information to assist in the collection of unpaid portions of a

1 restitution fine for terminated probation or parole cases, or of a
2 restitution fee for completed diversion cases. For purposes of the
3 preceding sentence, “state, as defined in Section 900.6 of the
4 Government Code,” and “any other entity” shall not include the
5 Franchise Tax Board. A local collection program may continue to
6 collect restitution fines and restitution orders once a defendant is
7 no longer on probation, postrelease community supervision, or
8 mandatory supervision or after a term in custody pursuant to
9 subparagraph (A) of paragraph (5) of subdivision (h) of Section
10 1170.

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

1 fund established for the purpose of compensating victims in civil
2 cases. Any portion of a restitution order that remains unsatisfied
3 after a defendant is no longer on probation, parole, postrelease
4 community supervision under Section 3451, or mandatory
5 supervision imposed pursuant to subparagraph (B) of paragraph
6 (5) of subdivision (h) of Section 1170 or after a term in custody
7 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
8 of Section 1170 is enforceable by the victim pursuant to this
9 section. Victims and the California Victim Compensation and
10 Government Claims Board shall inform the court whenever an
11 order to pay restitution is satisfied. A local collection program may
12 continue to enforce victim restitution orders once a defendant is
13 no longer on probation, postrelease community supervision, or
14 mandatory supervision or after completion of a term in custody
15 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
16 of Section 1170.

17 (c) A defendant who owes a restitution fine, a restitution order,
18 or any portion thereof, and who is released from the custody of a
19 county jail facility after a term in custody pursuant to subparagraph
20 (A) of paragraph (5) of subdivision (h) of Section 1170 shall have
21 a continuing obligation to pay the restitution fine or restitution
22 order in full.

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

- 29 (1) In a misdemeanor case.
- 30 (2) In a case involving violation of a city or town ordinance.
- 31 (3) In a noncapital criminal case where the court has received
32 a plea of guilty or nolo contendere.

33 (e) Chapter 3 (commencing with Section 683.010) of Division
34 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
35 to any of the following:

- 36 (1) A judgment for court-ordered fines, forfeitures, penalties,
37 fees, or assessments.
- 38 (2) A restitution fine or restitution order imposed pursuant to
39 Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as

1 operative on or before August 2, 1995, or Section 13967 of the
2 Government Code, as operative on or before September 28, 1994.

3 (3) A diversion restitution fee ordered pursuant to Section
4 1001.90.

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

6 2085.5. (a) In any case in which a prisoner owes a restitution
7 fine imposed pursuant to subdivision (a) of Section 13967 of the
8 Government Code, as operative prior to September ~~28~~, 29, 1994,
9 subdivision (b) of Section 730.6 of the Welfare and Institutions
10 Code, or subdivision (b) of Section 1202.4, the Secretary of the
11 Department of Corrections and Rehabilitation shall deduct a
12 minimum of 20 percent or the balance owing on the fine amount,
13 whichever is less, up to a maximum of 50 percent from the wages
14 and trust account deposits of a prisoner, unless prohibited by
15 federal law, and shall transfer that amount to the California Victim
16 Compensation and Government Claims Board for deposit in the
17 Restitution Fund in the State Treasury. The amount deducted shall
18 be credited against the amount owing on the fine. The sentencing
19 court shall be provided a record of the payments.

20 (b) (1) When a prisoner is punished by imprisonment in a
21 county jail pursuant to subdivision (h) of Section 1170, in any case
22 in which a prisoner owes a restitution fine imposed pursuant to
23 subdivision (a) of Section 13967 of the Government Code, as
24 operative prior to September ~~28~~, 29, 1994, subdivision (b) of
25 Section 730.6 of the Welfare and Institutions Code, or subdivision
26 (b) of Section 1202.4, the agency designated by the board of
27 supervisors in the county where the prisoner is incarcerated is
28 authorized to deduct a minimum of 20 percent or the balance owing
29 on the fine amount, whichever is less, up to a maximum of 50
30 percent from the county jail equivalent of wages and trust account
31 deposits of a prisoner, unless prohibited by federal law, and shall
32 transfer that amount to the California Victim Compensation and
33 Government Claims Board for deposit in the Restitution Fund in
34 the State Treasury. The amount deducted shall be credited against
35 the amount owing on the fine. The sentencing court shall be
36 provided a record of the payments.

37 (2) If the board of supervisors designates the county sheriff as
38 the collecting agency, the board of supervisors shall first obtain
39 the concurrence of the county sheriff.

1 (c) 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~~, 29, 1994,
4 subdivision (h) of Section 730.6 of the Welfare and Institutions
5 Code, or subdivision (f) of Section 1202.4, the Secretary of the
6 Department of Corrections and Rehabilitation shall deduct a
7 minimum of 20 percent or the balance owing on the order amount,
8 whichever is less, up to a maximum of 50 percent from the wages
9 and trust account deposits of a prisoner, unless prohibited by
10 federal law. The secretary shall transfer that amount to the
11 California Victim Compensation and Government Claims Board
12 for direct payment to the victim, or payment shall be made to the
13 Restitution Fund to the extent that the victim has received
14 assistance pursuant to that program. The sentencing court shall be
15 provided a record of the payments made to victims and of the
16 payments deposited to the Restitution Fund pursuant to this
17 subdivision.

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

37 (e) The secretary shall deduct and retain from the wages and
38 trust account deposits of a prisoner, unless prohibited by federal
39 law, an administrative fee that totals 10 percent of any amount
40 transferred to the California Victim Compensation and Government

1 Claims Board pursuant to subdivision (a) or (c). The secretary
2 shall deduct and retain from any prisoner settlement or trial award,
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), unless prohibited by federal
6 law. The secretary shall deposit the administrative fee moneys in
7 a special deposit account for reimbursing administrative and
8 support costs of the restitution program of the Department of
9 Corrections and Rehabilitation. The secretary, at his or her
10 discretion, may retain any excess funds in the special deposit
11 account for future reimbursement of the department's
12 administrative and support costs for the restitution program or may
13 transfer all or part of the excess funds for deposit in the Restitution
14 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 the
19 county jail equivalent of wages and trust account deposits of a
20 prisoner, unless prohibited by federal law, an administrative fee
21 that totals 10 percent of any amount transferred to the California
22 Victim Compensation and Government Claims Board pursuant to
23 subdivision (b) or (d). The agency is authorized to deduct and
24 retain from a prisoner settlement or trial award, an administrative
25 fee that totals 5 percent of any amount paid from the settlement
26 or award to satisfy an outstanding restitution order or fine pursuant
27 to subdivision (n), unless prohibited by federal law. Upon release
28 from custody pursuant to subdivision (h) of Section 1170, the
29 agency is authorized to charge a fee to cover the actual
30 administrative cost of collection, not to exceed 10 percent of the
31 total amount ordered to be paid. The agency shall deposit the
32 administrative fee moneys in a special deposit account for
33 reimbursing administrative and support costs of the restitution
34 program of the agency. The agency is authorized to retain any
35 excess funds in the special deposit account for future
36 reimbursement of the agency's administrative and support costs
37 for the restitution program or may transfer all or part of the excess
38 funds for deposit in the Restitution Fund.

39 (g) In any case in which a parolee owes a restitution fine
40 imposed pursuant to subdivision (a) of Section 13967 of the

1 Government Code, as operative prior to September-28, 29, 1994,
2 subdivision (b) of Section 730.6 of the Welfare and Institutions
3 Code, or subdivision (b) of Section 1202.4, the secretary, or, when
4 a prisoner is punished by imprisonment in a county jail pursuant
5 to subdivision (h) of Section 1170, the agency designated by the
6 board of supervisors in the county where the prisoner is
7 incarcerated, may collect from the parolee or person previously
8 imprisoned in county jail any moneys owing on the restitution fine
9 amount, unless prohibited by federal law. The secretary or the
10 agency shall transfer that amount to the California Victim
11 Compensation and Government Claims Board for deposit in the
12 Restitution Fund in the State Treasury. The amount deducted shall
13 be credited against the amount owing on the fine. The sentencing
14 court shall be provided a record of the payments.

15 (h) In any case in which a parolee owes a direct order of
16 restitution, imposed pursuant to subdivision (c) of Section 13967
17 of the Government Code, as operative prior to September-28, 29,
18 1994, subdivision (h) of Section 730.6 of the Welfare and
19 Institutions Code, or paragraph (3) of subdivision (a) of Section
20 1202.4, the secretary, or, when a prisoner is punished by
21 imprisonment in a county jail pursuant to subdivision (h) of Section
22 1170, the agency designated by the board of supervisors in the
23 county where the prisoner is incarcerated or a local collection
24 program, may collect from the parolee or person previously
25 imprisoned in county jail any moneys owing, unless prohibited by
26 federal law. The secretary or the agency shall transfer that amount
27 to the California Victim Compensation and Government Claims
28 Board for direct payment to the victim, or payment shall be made
29 to the Restitution Fund to the extent that the victim has received
30 assistance pursuant to that ~~program.~~ *program, or the agency may*
31 *pay the victim directly.* The sentencing court shall be provided a
32 record of the payments made by the offender pursuant to this
33 subdivision.

34 (i) The secretary, or, when a prisoner is punished by
35 imprisonment in a county jail pursuant to subdivision (h) of Section
36 1170, the agency designated by the board of supervisors in the
37 county where the prisoner is incarcerated, may deduct and retain
38 from moneys collected from parolees or persons previously
39 imprisoned in county jail an administrative fee that totals 10 percent
40 of any amount transferred to the California Victim Compensation

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

21 (j) When a prisoner has both a restitution fine and a restitution
22 order from the sentencing court, the Department of Corrections
23 and Rehabilitation shall collect the restitution order first pursuant
24 to subdivision (c).

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

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

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

31 (o) (1) Amounts transferred to the California Victim
32 Compensation and Government Claims Board for payment of
33 direct orders of restitution shall be paid to the victim within 60
34 days from the date the restitution revenues are received by the
35 California Victim Compensation and Government Claims Board.
36 If the restitution payment to a victim is less than fifty dollars (\$50),
37 then payment need not be forwarded to that victim until the
38 payment reaches fifty dollars (\$50) or until 180 days from the date
39 the first payment is received, whichever occurs sooner.

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

9 (3) (A) A victim failing to provide a current address within the
10 period of time specified in paragraph (2) may provide
11 documentation to the Department of Corrections and Rehabilitation,
12 which shall verify that moneys were collected on behalf of the
13 victim. Upon receipt of that verified information from the
14 Department of Corrections and Rehabilitation, the California
15 Victim Compensation and Government Claims Board shall transmit
16 the restitution revenues to the victim in accordance with the
17 provisions of subdivision (c) or (h).

18 (B) A victim failing to provide a current address within the
19 period of time specified in paragraph (2) may provide
20 documentation to the agency designated by the board of supervisors
21 in the county where the prisoner punished by imprisonment in a
22 county jail pursuant to subdivision (h) of Section 1170 is
23 incarcerated, which may then verify that moneys were, in fact,
24 collected on behalf of the victim. Upon receipt of that verified
25 information from the agency, the California Victim Compensation
26 and Government Claims Board shall transmit the restitution
27 revenues to the victim in accordance with the provisions of
28 subdivision (d) or (h).

29 SEC. 2.5. Section 2085.5 of the Penal Code is amended to read:

30 2085.5. (a) In any case in which a prisoner owes a restitution
31 fine imposed pursuant to subdivision (a) of Section 13967 of the
32 Government Code, as operative prior to September 28, 29, 1994,
33 subdivision (b) of Section 730.6 of the Welfare and Institutions
34 Code, or subdivision (b) of Section 1202.4, the Secretary of the
35 Department of Corrections and Rehabilitation shall deduct a
36 minimum of 20 percent or the balance owing on the fine amount,
37 whichever is less, up to a maximum of 50 percent from the wages
38 and trust account deposits of a prisoner, unless prohibited by
39 federal law, and shall transfer that amount to the California Victim
40 Compensation and Government Claims Board for deposit in the

1 Restitution Fund in the State Treasury. The amount deducted shall
2 be credited against the amount owing on the fine. The sentencing
3 court shall be provided a record of the payments.

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

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

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

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

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

38 (f) When a prisoner is punished by imprisonment in a county
39 jail pursuant to subdivision (h) of Section 1170, the agency
40 designated by the board of supervisors in the county where the

1 prisoner is incarcerated is authorized to deduct and retain from the
2 county jail equivalent of wages and trust account deposits of a
3 prisoner, unless prohibited by federal law, an administrative fee
4 that totals 10 percent of any amount transferred to the California
5 Victim Compensation and Government Claims Board pursuant to
6 subdivision (b) or (d). The agency is authorized to deduct and
7 retain from a prisoner settlement or trial award, an administrative
8 fee that totals 5 percent of any amount paid from the settlement
9 or award to satisfy an outstanding restitution order or fine pursuant
10 to subdivision (n), unless prohibited by federal law. Upon release
11 from custody pursuant to subdivision (h) of Section 1170, the
12 agency is authorized to charge a fee to cover the actual
13 administrative cost of collection, not to exceed 10 percent of the
14 total amount ordered to be paid. The agency shall deposit the
15 administrative fee moneys in a special deposit account for
16 reimbursing administrative and support costs of the restitution
17 program of the agency. The agency is authorized to retain any
18 excess funds in the special deposit account for future
19 reimbursement of the agency's administrative and support costs
20 for the restitution program or may transfer all or part of the excess
21 funds for deposit in the Restitution Fund.

22 (g) In any case in which a parolee owes a restitution fine
23 imposed pursuant to subdivision (a) of Section 13967 of the
24 Government Code, as operative prior to September ~~28~~, 29, 1994,
25 subdivision (b) of Section 730.6 of the Welfare and Institutions
26 Code, or subdivision (b) of Section 1202.4, the secretary, or, when
27 a prisoner is punished by imprisonment in a county jail pursuant
28 to subdivision (h) of Section 1170, the agency designated by the
29 board of supervisors in the county where the prisoner is
30 incarcerated, may collect from the parolee or, pursuant to Section
31 2085.6, from a person previously imprisoned in county jail any
32 moneys owing on the restitution fine amount, unless prohibited
33 by federal law. The secretary or the agency shall transfer that
34 amount to the California Victim Compensation and Government
35 Claims Board for deposit in the Restitution Fund in the State
36 Treasury. The amount deducted shall be credited against the
37 amount owing on the fine. The sentencing court shall be provided
38 a record of the payments.

39 (h) In any case in which a parolee owes a direct order of
40 restitution, imposed pursuant to subdivision (c) of Section 13967

1 of the Government Code, as operative prior to September 28, 29,
2 1994, subdivision (h) of Section 730.6 of the Welfare and
3 Institutions Code, or paragraph (3) of subdivision (a) of Section
4 1202.4, the secretary, or, when a prisoner is punished by
5 imprisonment in a county jail pursuant to subdivision (h) of Section
6 1170, the agency designated by the board of supervisors in the
7 county where the prisoner is incarcerated or a local collection
8 program, may collect from the parolee or, pursuant to Section
9 2085.6, from a person previously imprisoned in county jail any
10 moneys owing, unless prohibited by federal law. The secretary or
11 the agency shall transfer that amount to the California Victim
12 Compensation and Government Claims Board for direct payment
13 to the victim, or payment shall be made to the Restitution Fund to
14 the extent that the victim has received assistance pursuant to that
15 ~~program.~~ *program, or the agency may pay the victim directly.* The
16 sentencing court shall be provided a record of the payments made
17 by the offender pursuant to this subdivision.

18 (i) The secretary, 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, may deduct and retain
22 from moneys collected from parolees or persons previously
23 imprisoned in county jail an administrative fee that totals 10 percent
24 of any amount transferred to the California Victim Compensation
25 and Government Claims Board pursuant to subdivision (g) or (h),
26 unless prohibited by federal law. The secretary shall deduct and
27 retain from any settlement or trial award of a parolee an
28 administrative fee that totals 5 percent of an amount paid from the
29 settlement or award to satisfy an outstanding restitution order or
30 fine pursuant to subdivision (n), unless prohibited by federal law.
31 The agency is authorized to deduct and retain from any settlement
32 or trial award of a person previously imprisoned in county jail an
33 administrative fee that totals 5 percent of any amount paid from
34 the settlement or award to satisfy an outstanding restitution order
35 or fine pursuant to subdivision (n). The secretary or the agency
36 shall deposit the administrative fee moneys in a special deposit
37 account for reimbursing administrative and support costs of the
38 restitution program of the Department of Corrections and
39 Rehabilitation or the agency, as applicable. The secretary, at his
40 or her discretion, or the agency may retain any excess funds in the

1 special deposit account for future reimbursement of the
2 department's or agency's administrative and support costs for the
3 restitution program or may transfer all or part of the excess funds
4 for deposit in the Restitution Fund.

5 (j) When a prisoner has both a restitution fine and a restitution
6 order from the sentencing court, the Department of Corrections
7 and Rehabilitation shall collect the restitution order first pursuant
8 to subdivision (c).

9 (k) When a prisoner is punished by imprisonment in a county
10 jail pursuant to subdivision (h) of Section 1170 and that prisoner
11 has both a restitution fine and a restitution order from the
12 sentencing court, if the agency designated by the board of
13 supervisors in the county where the prisoner is incarcerated collects
14 the fine and order, the agency shall collect the restitution order
15 first pursuant to subdivision (d).

16 (l) When a parolee has both a restitution fine and a restitution
17 order from the sentencing court, the Department of Corrections
18 and Rehabilitation, or, when the 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, may collect the
22 restitution order first, pursuant to subdivision (h).

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

33 (n) Compensatory or punitive damages awarded by trial or
34 settlement to any inmate, parolee, person placed on postrelease
35 community supervision pursuant to Section 3451, or defendant on
36 mandatory supervision imposed pursuant to subparagraph (B) of
37 paragraph (5) of subdivision (h) of Section 1170, in connection
38 with a civil action brought against a federal, state, or local jail,
39 prison, or correctional facility, or any official or agent thereof,
40 shall be paid directly, after payment of reasonable attorney's fees

1 and litigation costs approved by the court, to satisfy any
2 outstanding restitution orders or restitution fines against that
3 person. The balance of the award shall be forwarded to the payee
4 after full payment of all outstanding restitution orders and
5 restitution fines, subject to subdivisions (e) and (i). The Department
6 of Corrections and Rehabilitation shall make all reasonable efforts
7 to notify the victims of the crime for which that person was
8 convicted concerning the pending payment of any compensatory
9 or punitive damages. For any prisoner punished by imprisonment
10 in a county jail pursuant to subdivision (h) of Section 1170, the
11 agency is authorized to make all reasonable efforts to notify the
12 victims of the crime for which that person was convicted
13 concerning the pending payment of any compensatory or punitive
14 damages.

15 (o) (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) If 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 verify that moneys were collected on behalf of the
36 victim. Upon receipt of that verified information from the
37 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 (c) 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 prisoner punished by imprisonment in a
5 county jail pursuant to subdivision (h) of Section 1170 is
6 incarcerated, which may verify that moneys were collected on
7 behalf of the victim. Upon receipt of that verified information from
8 the agency, the California Victim Compensation and Government
9 Claims Board shall transmit the restitution revenues to the victim
10 in accordance with the provisions of subdivision (d) or (h).

11 SEC. 3. Sections 1.5 and 2.5 of this bill shall only become
12 operative if both this bill and Senate Bill 1197 of the 2013–14
13 Regular Session are enacted and become operative on or before
14 January 1, 2015, in which case Sections 1 and 2 of this bill shall
15 not become operative.

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