

AMENDED IN ASSEMBLY JUNE 27, 2016

AMENDED IN SENATE APRIL 6, 2016

**SENATE BILL**

**No. 1054**

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**Introduced by Senator Pavley**

February 16, 2016

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An act to amend Section 2085.5 of, and to add Section 2085.7 to, the Penal Code, and to amend Section 19280 of the Revenue and Taxation Code, relating to restitution orders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1054, as amended, Pavley. Restitution orders: collection.

(1) Existing law, when a prisoner is punished in a county jail for a felony, in any case in which the prisoner owes a restitution order, permits the agency designated by the board of supervisors in the county where the prisoner is incarcerated to deduct a minimum of 20% or the balance owing on the order amount, whichever is less, up to a maximum of 50% from a county jail equivalent of wages and trust account deposits of a prisoner for transfer to the California Victim Compensation and Government Claims Board. Existing law ~~allows~~ *authorizes* the agency to deduct and retain an administrative fee *from a prisoner, parolee, or former prisoner* that totals 10% of any amount transferred to the board pursuant to these provisions. ~~Existing law additionally allows the agency to charge a fee to cover the actual administrative cost of collection, not to exceed 10% of the total amount collected, upon release of the prisoner from custody.~~ Existing law authorizes the collection of restitution fines or restitution orders from a person who has been released from a state prison or county jail and is subject to postrelease community supervision or mandatory supervision, as specified.

This bill would instead allow the designated agency to ~~charge~~ *deduct and retain* an administrative fee *from a prisoner, parolee, or former prisoner* to cover the actual administrative cost of collection, not to exceed 10% of the total amount collected pursuant to the above provisions. ~~The bill would recast the authorization to charge a fee for the actual administrative cost of collection upon release of the prisoner from custody.~~ The bill would authorize the collection of restitution fines or restitution orders, in a manner to be established by the county board of supervisors, by the county agency designated by the board from a person who has been released from a county jail without being subject to postrelease community supervision or mandatory supervision, as specified. The bill would require a county that elects to collect restitution fines and restitution orders pursuant to these provisions to coordinate efforts with the Franchise Tax Board, as specified.

(2) Existing law, unless the victim of the crime notifies the Department of Corrections and Rehabilitation or county to the contrary, allows the department or county to refer a restitution order to the Franchise Tax Board for collection.

This bill would prohibit the department or county from referring the restitution order to the Franchise Tax Board if a county agency has been designated by the county board of supervisors to collect restitution from individuals who have been sentenced to a county jail for a felony, who are on mandatory supervision, or who are on postrelease community supervision, the designated county agency has an existing collection system and objects to collection by the board, and the designated county agency informs the department or county that it will collect the restitution order. If the crime victim entitled to restitution in the order notifies either the department or the designated county agency with regard to his or her preference of a collecting agency, the bill would require the collection to be performed in accordance with that preference.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 2085.5 of the Penal Code is amended to
- 2 read:
- 3 2085.5. (a) In any case in which a prisoner owes a restitution
- 4 fine imposed pursuant to subdivision (a) of Section 13967 of the

1 Government Code, as operative prior to September 29, 1994,  
2 subdivision (b) of Section 730.6 of the Welfare and Institutions  
3 Code, or subdivision (b) of Section 1202.4 of this code, the  
4 Secretary of the Department of Corrections and Rehabilitation  
5 shall deduct a minimum of 20 percent or the balance owing on the  
6 fine amount, whichever is less, up to a maximum of 50 percent  
7 from the wages and trust account deposits of a prisoner, unless  
8 prohibited by federal law, and shall transfer that amount to the  
9 California Victim Compensation and Government Claims Board  
10 for deposit in the Restitution ~~Fund in the State Treasury~~. *Fund*.  
11 The amount deducted shall be credited against the amount owing  
12 on the fine. The sentencing court shall be provided a record of the  
13 payments.

14 (b) (1) If a prisoner is punished by imprisonment in a county  
15 jail pursuant to subdivision (h) of Section 1170 and owes a  
16 restitution fine imposed pursuant to subdivision (a) of Section  
17 13967 of the Government Code, as operative prior to September  
18 29, 1994, subdivision (b) of Section 730.6 of the Welfare and  
19 Institutions Code, or subdivision (b) of Section 1202.4 of this code,  
20 the agency designated by the board of supervisors in the county  
21 where the prisoner is incarcerated is authorized to deduct a  
22 minimum of 20 percent or the balance owing on the fine amount,  
23 whichever is less, up to a maximum of 50 percent from a county  
24 jail equivalent of wages and trust account deposits of a prisoner,  
25 unless prohibited by federal law, and shall transfer that amount to  
26 the California Victim Compensation and Government Claims  
27 Board for deposit in the Restitution ~~Fund in the State Treasury~~.  
28 *Fund*. The amount deducted shall be credited against the amount  
29 owing on the fine. The sentencing court shall be provided a record  
30 of the payments.

31 (2) If the board of supervisors designates the county sheriff as  
32 the collecting agency, the board of supervisors shall first obtain  
33 the concurrence of the county sheriff.

34 (c) In any case in which a prisoner owes a restitution order  
35 imposed pursuant to subdivision (c) of Section 13967 of the  
36 Government Code, as operative prior to September 29, 1994,  
37 subdivision (h) of Section 730.6 of the Welfare and Institutions  
38 Code, or subdivision (f) of Section 1202.4 of this code, the  
39 ~~Secretary of the Department of Corrections and Rehabilitation~~  
40 *secretary* shall deduct a minimum of 20 percent or the balance

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

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

30 (e) The secretary shall deduct and retain from the wages and  
31 trust account deposits of a prisoner, unless prohibited by federal  
32 law, an administrative fee that totals 10 percent of any amount  
33 transferred to the California Victim Compensation and Government  
34 Claims Board pursuant to subdivision (a) or (c). The secretary  
35 shall deduct and retain from any prisoner settlement or trial award,  
36 an administrative fee that totals 5 percent of any amount paid from  
37 the settlement or award to satisfy an outstanding restitution order  
38 or fine pursuant to subdivision (n), unless prohibited by federal  
39 law. The secretary shall deposit the administrative fee moneys in  
40 a special deposit account for reimbursing administrative and

1 support costs of the restitution program of the ~~Department of~~  
2 ~~Corrections and Rehabilitation.~~ *department.* The secretary, at his  
3 or her discretion, may retain any excess funds in the special deposit  
4 account for future reimbursement of the department's  
5 administrative and support costs for the restitution program or may  
6 transfer all or part of the excess funds for deposit in the Restitution  
7 Fund.

8 (f) If a prisoner is punished by imprisonment in a county jail  
9 pursuant to subdivision (h) of Section 1170, the agency designated  
10 by the board of supervisors in the county where the prisoner is  
11 incarcerated is authorized to deduct and retain from a county jail  
12 equivalent of wages and trust account deposits of a prisoner, unless  
13 prohibited by federal law, an administrative fee to cover the actual  
14 administrative cost of collection, not to exceed 10 percent of the  
15 total amount collected pursuant to subdivision (b) or (d). The  
16 agency is authorized to deduct and retain from a prisoner settlement  
17 or trial award an administrative fee that totals 5 percent of any  
18 amount paid from the settlement or award to satisfy an outstanding  
19 restitution order or fine pursuant to subdivision (n), unless  
20 prohibited by federal law. The agency shall deposit the  
21 administrative fee moneys in a special deposit account for  
22 reimbursing administrative and support costs of the restitution  
23 program of the agency. The agency ~~is authorized to~~ *may* retain any  
24 excess funds in the special deposit account for future  
25 reimbursement of the agency's administrative and support costs  
26 for the restitution program or may transfer all or part of the excess  
27 funds for deposit in the Restitution Fund.

28 (g) In any case in which a parolee owes a restitution fine  
29 imposed pursuant to subdivision (a) of Section 13967 of the  
30 Government Code, as operative prior to September 29, 1994,  
31 subdivision (b) of Section 730.6 of the Welfare and Institutions  
32 Code, or subdivision (b) of Section 1202.4 of this code, the  
33 secretary, or, when a prisoner is punished by imprisonment in a  
34 county jail pursuant to subdivision (h) of Section 1170, the agency  
35 designated by the board of supervisors in the county where the  
36 prisoner is incarcerated, may collect from the parolee or, pursuant  
37 to Section 2085.6 or 2085.7, from a person previously imprisoned  
38 in county jail any moneys owing on the restitution fine amount,  
39 unless prohibited by federal law. The secretary or the agency shall  
40 transfer that amount to the California Victim Compensation and

1 Government Claims Board for deposit in the Restitution Fund in  
2 the State Treasury. *Fund.* The amount deducted shall be credited  
3 against the amount owing on the fine. The sentencing court shall  
4 be provided a record of the payments.

5 (h) In any case in which a parolee owes a direct order of  
6 restitution, imposed pursuant to subdivision (c) of Section 13967  
7 of the Government Code, as operative prior to September 29, 1994,  
8 subdivision (h) of Section 730.6 of the Welfare and Institutions  
9 Code, or paragraph (3) of subdivision (a) of Section 1202.4 of this  
10 code, the secretary, or, when a prisoner is punished by  
11 imprisonment in a county jail pursuant to subdivision (h) of Section  
12 1170, the agency designated by the board of supervisors in the  
13 county where the prisoner is incarcerated or a local collection  
14 program, may collect from the parolee or, pursuant to Section  
15 2085.6 or 2085.7, from a person previously imprisoned in county  
16 jail any moneys owing, unless prohibited by federal law. The  
17 secretary or the agency shall transfer that amount to the California  
18 Victim Compensation and Government Claims Board for direct  
19 payment to the victim, or payment shall be made to the Restitution  
20 Fund to the extent that the victim has received assistance pursuant  
21 to that program, or the agency may pay the victim directly. The  
22 sentencing court shall be provided a record of the payments made  
23 by the offender pursuant to this subdivision.

24 (i) ~~The secretary, secretary~~ or, if a prisoner is punished by  
25 imprisonment in a county jail pursuant to subdivision (h) of Section  
26 1170, the agency designated by the board of supervisors in the  
27 county where the prisoner is incarcerated, may deduct and retain  
28 from moneys collected from parolees or persons previously  
29 imprisoned in county jail an administrative fee that totals 10 percent  
30 of any amount transferred to the California Victim Compensation  
31 and Government Claims Board to cover the actual administrative  
32 cost of collection, not to exceed 10 percent of the total amount  
33 collected pursuant to subdivision (g) or (h), unless prohibited by  
34 federal law. The secretary shall deduct and retain from any  
35 settlement or trial award of a parolee an administrative fee that  
36 totals 5 percent of an amount paid from the settlement or award  
37 to satisfy an outstanding restitution order or fine pursuant to  
38 subdivision (n), unless prohibited by federal law. The agency is  
39 authorized to may deduct and retain from any settlement or trial  
40 award of a person previously imprisoned in county jail 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). The secretary or the agency  
4 shall deposit the administrative fee moneys in a special deposit  
5 account for reimbursing administrative and support costs of the  
6 ~~department's or agency's restitution program of the Department~~  
7 ~~of Corrections and Rehabilitation or the agency; program,~~ as  
8 applicable. The secretary, at his or her discretion, or the agency  
9 may retain any excess funds in the special deposit account for  
10 future reimbursement of the department's or agency's  
11 administrative and support costs for the restitution program or may  
12 transfer all or part of the excess funds for deposit in the Restitution  
13 Fund.

14 (j) If a prisoner has both a restitution fine and a restitution order  
15 from the sentencing court, the ~~Department of Corrections and~~  
16 ~~Rehabilitation~~ *department* shall collect the restitution order first  
17 pursuant to subdivision (c).

18 (k) If a prisoner is punished by imprisonment in a county jail  
19 pursuant to subdivision (h) of Section 1170 and that prisoner has  
20 both a restitution fine and a restitution order from the sentencing  
21 court, if the agency designated by the board of supervisors in the  
22 county where the prisoner is incarcerated collects the fine and  
23 order, the agency shall collect the restitution order first pursuant  
24 to subdivision (d).

25 (l) If a parolee has both a restitution fine and a restitution order  
26 from the sentencing court, the ~~Department of Corrections and~~  
27 ~~Rehabilitation,~~ or *department* or, if the prisoner is punished by  
28 imprisonment in a county jail pursuant to subdivision (h) of Section  
29 1170, the agency designated by the board of supervisors in the  
30 county where the prisoner is incarcerated, may collect the  
31 restitution order first, pursuant to subdivision (h).

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

1 inmate and two or three visitors, and eighty dollars (\$80) for visits  
2 that include the inmate and four or more visitors.

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

25 (o) (1) Amounts transferred to the California Victim  
26 Compensation and Government Claims Board for payment of  
27 direct orders of restitution shall be paid to the victim within 60  
28 days from the date the restitution revenues are received by the  
29 California Victim Compensation and Government Claims Board.  
30 If the restitution payment to a victim is less than twenty-five dollars  
31 (\$25), then payment need not be forwarded to that victim until the  
32 payment reaches twenty-five dollars (\$25) or when the victim  
33 requests payment of the lesser amount.

34 (2) If a victim cannot be located, the restitution revenues  
35 received by the California Victim Compensation and Government  
36 Claims Board on behalf of the victim shall be held in trust in the  
37 Restitution Fund until the end of the state fiscal year subsequent  
38 to the state fiscal year in which the funds were deposited or until  
39 the time that the victim has provided current address information,

1 whichever occurs sooner. Amounts remaining in trust at the end  
2 of the specified period of time shall revert to the Restitution Fund.

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

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

22 SEC. 2. Section 2085.7 is added to the Penal Code, to read:

23 2085.7. (a) When a prisoner who owes a restitution fine, or  
24 any portion thereof, is released from the custody of a county jail  
25 facility after completion of a term in custody pursuant to  
26 subparagraph (A) of paragraph (5) of subdivision (h) of Section  
27 1170, he or she has a continuing obligation to pay the restitution  
28 fine in full. The balance of the restitution fine remaining unpaid  
29 after completion of a term in custody pursuant to subparagraph  
30 (A) of paragraph (5) of subdivision (h) of *Section* 1170 is  
31 enforceable and may be collected, in a manner to be established  
32 by the county board of supervisors, by the department or county  
33 agency designated by the board of supervisors in the county in  
34 which the prisoner is released. If a county elects to collect  
35 restitution fines, the department or county agency designated by  
36 the county board of supervisors shall transfer the amount collected  
37 to the California Victim Compensation and Government Claims  
38 Board for deposit in the Restitution ~~Fund in the State Treasury.~~  
39 *Fund.*

1 (b) When a prisoner who owes payment for a restitution order,  
2 or any portion thereof, is released from the custody of a county  
3 jail facility after completion of a term in custody pursuant to  
4 subparagraph (A) of paragraph (5) of subdivision (h) of Section  
5 1170, he or she has a continuing obligation to pay the restitution  
6 order in full. The balance of the restitution order remaining unpaid  
7 after completion of a term in custody pursuant to subparagraph  
8 (A) of paragraph (5) of subdivision (h) of Section 1170 is  
9 enforceable and may be collected, in a manner to be established  
10 by the county board of supervisors, by the agency designated by  
11 the county board of supervisors in the county in which the prisoner  
12 is released. If the county elects to collect the restitution order, the  
13 agency designated by the county board of supervisors for collection  
14 shall transfer the collected amount to the California Victim  
15 Compensation and Government Claims Board for deposit in the  
16 ~~Restitution Fund in the State Treasury~~ *Fund* or may pay the victim  
17 directly. The sentencing court shall be provided a record of  
18 payments made to the victim and of the payments deposited into  
19 the Restitution Fund.

20 (c) The amount of a restitution order or restitution fine that  
21 remains unsatisfied after completion of a term in custody pursuant  
22 to subparagraph (A) of paragraph (5) of subdivision (h) of Section  
23 1170 is *to* be enforceable by a victim pursuant to Section 1214  
24 until the obligation is satisfied.

25 (d) At its discretion, a county board of supervisors may impose  
26 a fee upon the individual after completion of a term in custody  
27 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)  
28 of Section 1170 to cover the actual administrative cost of collecting  
29 the restitution fine and the restitution order, in an amount not to  
30 exceed 10 percent of the amount collected, the proceeds of which  
31 shall be deposited into the general fund of the county.

32 (e) If a county elects to collect both a restitution fine and a  
33 restitution order, the amount owed on the restitution order shall  
34 be collected before the restitution fine.

35 (f) If a county elects to collect restitution fines and restitution  
36 orders pursuant to this section, the county shall coordinate efforts  
37 with the Franchise Tax Board pursuant to Section 19280 of the  
38 Revenue and Taxation Code.

39 (g) Pursuant to Section 1214, the county agency selected by a  
40 county board of supervisors to collect restitution fines and

1 restitution orders may collect restitution fines and restitution orders  
2 after an individual has completed a term in custody pursuant to  
3 subparagraph (A) of paragraph (5) of subdivision (h) of Section  
4 1170.

5 (h) For purposes of this section, the following definitions shall  
6 apply:

7 (1) “Restitution fine” means a fine imposed pursuant to  
8 subdivision (a) of Section 13967 of the Government Code, as  
9 operative prior to September 29, 1994, subdivision (b) of Section  
10 730.6 of the Welfare and Institutions Code, or subdivision (b) of  
11 Section 1202.4.

12 (2) “Restitution order” means an order for restitution to the  
13 victim of a crime imposed pursuant to subdivision (c) of Section  
14 13967 of the Government Code, as operative prior to September  
15 29, 1994, subdivision (h) of Section 730.6 of the Welfare and  
16 Institutions Code, or subdivision (f) of Section 1202.4.

17 SEC. 3. Section 19280 of the Revenue and Taxation Code is  
18 amended to read:

19 19280. (a) (1) (A) Fines, state or local penalties, bail,  
20 forfeitures, restitution fines, restitution orders, or any other amounts  
21 imposed by a juvenile or superior court of the State of California  
22 upon a person or any other entity that are due and payable in an  
23 amount totaling no less than one hundred dollars (\$100), in the  
24 aggregate, for criminal offenses, including all offenses involving  
25 a violation of the Vehicle Code, and any amounts due pursuant to  
26 Section 903.1 of the Welfare and Institutions Code may, no sooner  
27 than 90 days after payment of that amount becomes delinquent,  
28 be referred by the juvenile or superior court, the county, or the  
29 state to the Franchise Tax Board for collection under guidelines  
30 prescribed by the Franchise Tax Board. Except as specified in  
31 subparagraph (B), the Department of Corrections and Rehabilitation  
32 or county may refer a restitution order to the Franchise Tax Board,  
33 in accordance with subparagraph (B) of paragraph (2), for any  
34 person subject to the restitution order who is or has been under the  
35 jurisdiction of the Department of Corrections and Rehabilitation  
36 or *the* county.

37 (B) The Department of Corrections and Rehabilitation or *the*  
38 county shall not refer a restitution order to the Franchise Tax Board  
39 if a county agency has been designated by the county board of  
40 supervisors to collect restitution from individuals who (i) ~~have~~

1 ~~been sentenced to a~~ *are serving a sentence in a* county jail pursuant  
2 to subdivision (h) of Section 1170 of the Penal Code, (ii) are on  
3 mandatory supervision pursuant to paragraph (5) of subdivision  
4 (h) of Section 1170 of the Penal Code, or (iii) are on postrelease  
5 community supervision pursuant to Title 2.05 (commencing with  
6 Section 3450) of Part 3 of the Penal Code, the designated county  
7 agency has an existing collection system and objects to collection  
8 by the Franchise Tax Board, and the designated county agency  
9 informs the Department of Corrections and Rehabilitation or *the*  
10 county that it will collect the restitution order. ~~H~~

11 (C) *If* the crime victim entitled to restitution in the order notifies  
12 either the Department of Corrections and Rehabilitation or the  
13 designated county agency with regard to his or her preference of  
14 a collecting agency, that preference shall be honored and the  
15 collection shall be performed in accordance with the preference  
16 of the victim.

17 (2) For purposes of this subdivision:

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

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

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

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

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

35 (iv) The government entity shall ensure compliance with laws  
36 relating to the reimbursement of the Restitution Fund.

37 (C) The Franchise Tax Board shall establish criteria for referral  
38 that shall include setting forth a minimum dollar amount subject  
39 to referral and collection.

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

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

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

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

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

37 (f) For amounts referred for collection under subdivision (a),  
38 interest shall accrue at the greater of the rate applicable to the  
39 amount due being collected or the rate provided under Section  
40 19521. When notice of the amount due includes interest and is

1 mailed to the debtor and the amount is paid within 15 days after  
2 the date of notice, interest shall not be imposed for the period after  
3 the date of notice.

4 (g) A collection under this article is not a payment of income  
5 taxes imposed under Part 10 (commencing with Section 17001)  
6 or Part 11 (commencing with Section 23001).

O