

AMENDED IN SENATE MARCH 13, 2000

**SENATE BILL**

**No. 1482**

**Introduced by Senator Rainey**

February 10, 2000

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An act to amend ~~Section 1464~~ Sections 1202.4 and 1214 of the Penal Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1482, as amended, Rainey. ~~State penalty fund: restitution funds State penalty fund: restitution funds~~  
*Restitution: payment to 3rd parties.*

*(1) Existing law provides that in every case where a person is convicted of a crime, the court shall impose a separate and additional restitution fine as specified, and in every case in which a victim has suffered economic loss as a result of the defendant's conduct, the court shall require that the defendant make full restitution to the victim or victims in an amount established by court order, based on the amount of loss claimed by the victim or victims or any other showing to the court, unless it finds compelling and extraordinary reasons for not doing so, and states them on the record. Existing law provides that the determination of the amount of restitution ordered shall not be affected by the indemnification or subrogation right of any 3rd party, but that restitution payment may be ordered deposited to the Restitution Fund to the extent that a victim has received assistance from the Victims of Crime Program as specified.*

*This bill would provide that if a victim has received full or partial compensation from insurance or any other source with*

*respect to a loss, the court shall order that restitution be paid directly to the person who provided that compensation, but the restitution order shall ensure that victims are fully compensated before restitution is paid to a 3rd-party provider of compensation.*

*(2) Existing law provides that in any case in which a defendant is ordered to pay restitution, the order to pay restitution shall be deemed a money judgment and shall be fully enforceable by a victim as if the restitution order were a civil judgment. Existing law provides that upon a victim's request, the court shall provide the victim with a certified copy of the restitution order and specified disclosures, affidavits, information, and reports concerning the defendant, and existing law provides that victims shall have access to all resources available under the law to enforce the restitution order, including, but not limited to, access to the defendant's financial records, use of wage garnishment and lien procedures, information regarding the defendant's assets, and the ability to apply for restitution from any fund established for the purpose of compensating victims in civil cases.*

*This bill would provide that a victim may assign his or her rights under a restitution order to an insurer or other 3rd-party compensator that has reimbursed the victim for his or her losses, and upon assignment the insurer or other 3rd-party compensator shall have the same rights as a victim pursuant to this section.*

~~Existing law imposes a state penalty, calculated as specified, on every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses other than parking violations, and requires 70% of these funds to be transferred from the county treasury and deposited in the State Penalty Fund within the State Treasury, and directs that an amount equal to 32.02% of the state penalty funds deposited in the State Penalty Fund during the preceding month be in turn transferred to the Restitution Fund, the moneys of which are continuously appropriated to benefit victims of crime as specified.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~



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

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

1 ~~SECTION 1.—Section 1464 of the Penal Code is~~  
2 *SECTION 1. Section 1202.4 of the Penal Code is*  
3 *amended to read:*  
4 1202.4. (a) (1) It is the intent of the Legislature that  
5 a victim of crime who incurs any economic loss as a result  
6 of the commission of a crime shall receive restitution  
7 directly from any defendant convicted of that crime.  
8 (2) Upon a person being convicted of any crime in the  
9 State of California, the court shall order the defendant to  
10 pay a fine in the form of a penalty assessment in  
11 accordance with Section 1464.  
12 (3) The court, in addition to any other penalty  
13 provided or imposed under the law, shall order the  
14 defendant to pay both of the following:  
15 (A) A restitution fine in accordance with subdivision  
16 (b).  
17 (B) Restitution to the victim or victims, if any, in  
18 accordance with subdivision (f), which shall be  
19 enforceable as if the order were a civil judgment.  
20 (b) In every case where a person is convicted of a  
21 crime, the court shall impose a separate and additional  
22 restitution fine, unless it finds compelling and  
23 extraordinary reasons for not doing so, and states those  
24 reasons on the record.  
25 (1) The restitution fine shall be set at the discretion of  
26 the court and commensurate with the seriousness of the  
27 offense, but shall not be less than two hundred dollars  
28 (\$200), and not more than ten thousand dollars (\$10,000),  
29 if the person is convicted of a felony, and shall not be less  
30 than one hundred dollars (\$100), and not more than one  
31 thousand dollars (\$1,000), if the person is convicted of a  
32 misdemeanor.  
33 (2) In setting a felony restitution fine, the court may  
34 determine the amount of the fine as the product of two  
35 hundred dollars (\$200) multiplied by the number of years



1 of imprisonment the defendant is ordered to serve,  
2 multiplied by the number of felony counts of which the  
3 defendant is convicted.

4 (c) The court shall impose the restitution fine unless it  
5 finds compelling and extraordinary reasons for not doing  
6 so, and states those reasons on the record. A defendant's  
7 inability to pay shall not be considered a compelling and  
8 extraordinary reason not to impose a restitution fine.  
9 Inability to pay may be considered only in increasing the  
10 amount of the restitution fine in excess of the  
11 two-hundred-dollar (\$200) or one-hundred-dollar (\$100)  
12 minimum.

13 (d) In setting the amount of the fine pursuant to  
14 subdivision (b) in excess of the two-hundred-dollar  
15 (\$200) or one-hundred-dollar (\$100) minimum, the court  
16 shall consider any relevant factors including, but not  
17 limited to, the defendant's inability to pay, the seriousness  
18 and gravity of the offense and the circumstances of its  
19 commission, any economic gain derived by the defendant  
20 as a result of the crime, the extent to which any other  
21 person suffered any losses as a result of the crime, and the  
22 number of victims involved in the crime. Those losses  
23 may include pecuniary losses to the victim or his or her  
24 dependents as well as intangible losses, such as  
25 psychological harm caused by the crime. Consideration of  
26 a defendant's inability to pay may include his or her  
27 future earning capacity. A defendant shall bear the  
28 burden of demonstrating his or her inability to pay.  
29 Express findings by the court as to the factors bearing on  
30 the amount of the fine shall not be required. A separate  
31 hearing for the fine shall not be required.

32 (e) The restitution fine shall not be subject to penalty  
33 assessments as provided in Section 1464, and shall be  
34 deposited in the Restitution Fund in the State Treasury.

35 (f) In every case in which a victim has suffered  
36 economic loss as a result of the defendant's conduct, the  
37 court shall require that the defendant make restitution to  
38 the victim or victims in an amount established by court  
39 order, based on the amount of loss claimed by the victim  
40 or victims or any other showing to the court. If the



1 amount of loss cannot be ascertained at the time of  
2 sentencing, the restitution order shall include a provision  
3 that the amount shall be determined at the direction of  
4 the court. The court shall order full restitution unless it  
5 finds compelling and extraordinary reasons for not doing  
6 so, and states them on the record.

7 (1) The defendant has the right to a hearing before a  
8 judge to dispute the determination of the amount of  
9 restitution. The court may modify the amount, on its own  
10 motion or on the motion of the district attorney, the  
11 victim or victims, or the defendant. If a motion is made  
12 for modification of a restitution order, the victim shall be  
13 notified of that motion at least 10 days prior to the  
14 proceeding held to decide the motion.

15 (2) Determination of the amount of restitution  
16 ordered pursuant to this subdivision shall not be affected  
17 by the indemnification or subrogation rights of any third  
18 party. Restitution ordered pursuant to this subdivision  
19 shall be ordered to be deposited to the Restitution Fund  
20 to the extent that the victim, as defined in subdivision (k),  
21 has received assistance from the Victims of Crime  
22 Program pursuant to Article 1 (commencing with Section  
23 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the  
24 Government Code. *If a victim has received full or partial  
25 compensation from insurance or any other source with  
26 respect to a loss, the court shall order that restitution be  
27 paid directly to the person who provided that  
28 compensation, but the restitution order shall ensure that  
29 victims are fully compensated before restitution is paid to  
30 a third-party provider of compensation.*

31 (3) To the extent possible, the restitution order shall  
32 be prepared by the sentencing court, shall identify each  
33 victim and each loss to which it pertains, and shall be of  
34 a dollar amount that is sufficient to fully reimburse the  
35 victim or victims for every determined economic loss  
36 incurred as the result of the defendant's criminal  
37 conduct, including, but not limited to, all of the following:

38 (A) Full or partial payment for the value of stolen or  
39 damaged property. The value of stolen or damaged  
40 property shall be the replacement cost of like property,



1 or the actual cost of repairing the property when repair  
2 is possible.

3 (B) Medical expenses.

4 (C) Mental health counseling expenses.

5 (D) Wages or profits lost due to injury incurred by the  
6 victim, and if the victim is a minor, wages or profits lost  
7 by the minor’s parent, parents, guardian, or guardians,  
8 while caring for the injured minor.

9 (E) Wages or profits lost by the victim, and if the  
10 victim is a minor, wages or profits lost by the minor’s  
11 parent, parents, guardian, or guardians, due to time spent  
12 as a witness or in assisting the police or prosecution.

13 (F) Noneconomic losses, including, but not limited to,  
14 psychological harm, for felony violations of Section 288.

15 (G) Interest, at the rate of 10 percent per annum, that  
16 accrues as of the date of sentencing or loss, as determined  
17 by the court.

18 (H) Actual and reasonable attorney’s fees and other  
19 costs of collection accrued by a private entity on behalf of  
20 the victim.

21 (I) Expenses incurred by an adult victim in relocating  
22 away from the defendant, including, but not limited to,  
23 deposits for utilities and telephone service, deposits for  
24 rental housing, temporary lodging and food expenses,  
25 clothing, and personal items. Expenses incurred pursuant  
26 to this section shall be verified by law enforcement to be  
27 necessary for the personal safety of the victim or by a  
28 mental health treatment provider to be necessary for the  
29 emotional well-being of the victim.

30 (J) Expenses to install or increase residential security  
31 incurred related to a crime, as defined in subdivision (c)  
32 of Section 667.5, including, but not limited to, a home  
33 security device or system, or replacing or increasing the  
34 number of locks.

35 (K) Expenses to retrofit a residence or vehicle, or  
36 both, to make the residence accessible to or the vehicle  
37 operational by the victim, if the victim is permanently  
38 disabled, whether the disability is partial or total, as a  
39 direct result of the crime.



1 (4) Except as provided in paragraph (5), in any case  
2 in which an order may be entered pursuant to this  
3 subdivision, the defendant shall prepare and file a  
4 disclosure identifying all assets, income, and liabilities in  
5 which the defendant held or controlled a present or  
6 future interest as of the date of the defendant's arrest for  
7 the crime for which restitution may be ordered. This  
8 disclosure shall be available to the victim pursuant to  
9 Section 1214, and any use the court may make of the  
10 disclosure shall be subject to the restrictions of  
11 subdivision (g). The disclosure shall be signed by the  
12 defendant upon a form approved or adopted by the  
13 Judicial Council for the purpose of facilitating the  
14 disclosure. Any defendant who willfully states as true any  
15 material matter that he or she knows to be false on the  
16 disclosure required by this subdivision is guilty of a  
17 misdemeanor, unless this conduct is punishable as perjury  
18 or another provision of law provides for a greater penalty.

19 (5) A defendant who fails to file the financial  
20 disclosure required in paragraph (4), but who has filed a  
21 financial affidavit or financial information pursuant to  
22 subdivision (c) of Section 987, shall be deemed to have  
23 waived the confidentiality of that affidavit or financial  
24 information as to a victim in whose favor the order of  
25 restitution is entered pursuant to subdivision (f). The  
26 affidavit or information shall serve in lieu of the financial  
27 disclosure required in paragraph (4), and paragraphs (6),  
28 (7), (8), and (9) shall not apply.

29 (6) Except as provided in paragraph (5), the  
30 defendant shall file the disclosure with the clerk of the  
31 court no later than the date set for the defendant's  
32 sentencing, unless otherwise directed by the court. The  
33 disclosure may be inspected or copied as provided by  
34 subdivision (b), (c), or (d) of Section 1203.05.

35 (7) In its discretion, the court may relieve the  
36 defendant of the duty under paragraph (6) of filing with  
37 the clerk by requiring that the defendant's disclosure be  
38 submitted as an attachment to, and be available to, those  
39 authorized to receive the following:



1 (A) Any report submitted pursuant to subparagraph  
2 (C) of paragraph (2) of subdivision (b) of Section 1203 or  
3 subdivision (g) of Section 1203.

4 (B) Any stipulation submitted pursuant to paragraph  
5 (4) of subdivision (b) of Section 1203.

6 (C) Any report by the probation officer, or any  
7 information submitted by the defendant applying for a  
8 conditional sentence pursuant to subdivision (d) of  
9 Section 1203.

10 (8) The court may consider a defendant's  
11 unreasonable failure to make a complete disclosure  
12 pursuant to paragraph (4) as any of the following:

13 (A) A circumstance in aggravation of the crime in  
14 imposing a term under subdivision (b) of Section 1170.

15 (B) A factor indicating that the interests of justice  
16 would not be served by admitting the defendant to  
17 probation under Section 1203.

18 (C) A factor indicating that the interests of justice  
19 would not be served by conditionally sentencing the  
20 defendant under Section 1203.

21 (D) A factor indicating that the interests of justice  
22 would not be served by imposing less than the maximum  
23 fine and sentence fixed by law for the case.

24 (9) A defendant's failure or refusal to make the  
25 required disclosure pursuant to paragraph (4) shall not  
26 delay entry of an order of restitution or pronouncement  
27 of sentence. In appropriate cases, the court may do any  
28 of the following:

29 (A) Require the defendant to be examined by the  
30 district attorney pursuant to subdivision (h).

31 (B) If sentencing the defendant under Section 1170,  
32 provide that the victim shall receive a copy of the portion  
33 of the probation report filed pursuant to Section 1203.10  
34 concerning the defendant's employment, occupation,  
35 finances, and liabilities.

36 (C) If sentencing the defendant under Section 1203,  
37 set a date and place for submission of the disclosure  
38 required by paragraph (4) as a condition of probation or  
39 suspended sentence.



1 (g) The court shall order full restitution unless it finds  
2 compelling and extraordinary reasons for not doing so,  
3 and states those reasons on the record. A defendant's  
4 inability to pay shall not be considered a compelling and  
5 extraordinary reason not to impose a restitution order,  
6 nor shall inability to pay be a consideration in  
7 determining the amount of a restitution order.

8 (h) The district attorney may request an order of  
9 examination pursuant to the procedures specified in  
10 Article 2 (commencing with Section 708.110) of Chapter  
11 6 of Division 2 of Title 9 of Part 2 of the Code of Civil  
12 Procedure, in order to determine the defendant's  
13 financial assets for purposes of collecting on the  
14 restitution order.

15 (i) A restitution order imposed pursuant to subdivision  
16 (f) shall be enforceable as if the order were a civil  
17 judgment.

18 (j) The making of a restitution order pursuant to  
19 subdivision (f) shall not affect the right of a victim to  
20 recovery from the Restitution Fund as otherwise  
21 provided by law, except to the extent that restitution is  
22 actually collected pursuant to the order. Restitution  
23 collected pursuant to this subdivision shall be credited to  
24 any other judgments for the same losses obtained against  
25 the defendant arising out of the crime for which the  
26 defendant was convicted.

27 (k) For purposes of this section, "victim" shall include  
28 all of the following:

29 (1) The immediate surviving family of the actual  
30 victim.

31 (2) Any corporation, business trust, estate, trust,  
32 partnership, association, joint venture, government,  
33 governmental subdivision, agency, or instrumentality, or  
34 any other legal or commercial entity when that entity is  
35 a direct victim of a crime.

36 (3) "Derivative victims" as defined in Section 13960 of  
37 the Government Code.

38 (l) At its discretion, the board of supervisors of any  
39 county may impose a fee to cover the actual  
40 administrative cost of collecting the restitution fine, not



1 to exceed 10 percent of the amount ordered to be paid,  
2 to be added to the restitution fine and included in the  
3 order of the court, the proceeds of which shall be  
4 deposited in the general fund of the county.

5 (m) In every case in which the defendant is granted  
6 probation, the court shall make the payment of  
7 restitution fines and orders imposed pursuant to this  
8 section a condition of probation. Any portion of a  
9 restitution order that remains unsatisfied after a  
10 defendant is no longer on probation shall continue to be  
11 enforceable by a victim pursuant to Section 1214 until the  
12 obligation is satisfied.

13 (n) If the court finds and states on the record  
14 compelling and extraordinary reasons why a restitution  
15 fine or full restitution order should not be required, the  
16 court shall order, as a condition of probation, that the  
17 defendant perform specified community service, unless  
18 it finds and states on the record compelling and  
19 extraordinary reasons not to require community service  
20 in addition to the finding that restitution should not be  
21 required. Upon revocation of probation, the court shall  
22 impose restitution pursuant to this section.

23 (o) The provisions of Section 13966.01 of the  
24 Government Code shall apply to restitution imposed  
25 pursuant to this section.

26 (p) (1) This section shall become operative on  
27 January 1, 2000, except when all of the following apply:

28 (A) A majority of judges of a court apply to the Judicial  
29 Council for an extension.

30 (B) The judicial application described in paragraph  
31 (1) documents the need for time to adjust restitution  
32 procedures and practices, as well as to facilitate judicial  
33 education and training in direct restitution to victims  
34 under subdivision (f).

35 (C) The Judicial Council grants the extension upon  
36 finding good cause.

37 (2) Upon the grant of an extension pursuant to the  
38 application of a court under this subdivision, the  
39 provisions of former Section 1214 shall continue to apply  
40 with respect to that court. The extension may be for any



1 period of time set by the Judicial Council, but shall not  
2 exceed January 1, 2002, in any case.

3 *SEC. 2. Section 1214 of the Penal Code is amended to*  
4 *read:*

5 1214. (a) If the judgment is for a fine, including a  
6 restitution fine ordered pursuant to Section 1202.4 or  
7 Section 1203.04 as operative on or before August 2, 1995,  
8 or Section 13967 of the Government Code, as operative on  
9 or before September 28, 1994, with or without  
10 imprisonment, the judgment may be enforced in the  
11 manner provided for the enforcement of money  
12 judgments generally.

13 (b) In any case in which a defendant is ordered to pay  
14 restitution, the order to pay restitution (1) is deemed a  
15 money judgment if the defendant was informed of his or  
16 her right to have a judicial determination of the amount  
17 and was provided with a hearing, waived a hearing, or  
18 stipulated to the amount of the restitution ordered, and  
19 (2) shall be fully enforceable by a victim as if the  
20 restitution order were a civil judgment, and enforceable  
21 in the same manner as is provided for the enforcement of  
22 any other money judgment. Upon the victim's request,  
23 the court shall provide the victim in whose favor the  
24 order of restitution is entered with a certified copy of that  
25 order and a copy of the defendant's disclosure pursuant  
26 to paragraph (4) of subdivision (f) of Section 1202.4, or  
27 affidavit or information pursuant to paragraph (5) of  
28 subdivision (f) of Section 1202.4, or report pursuant to  
29 paragraph (7) of subdivision (f) of Section 1202.4. The  
30 court also shall provide this information to the district  
31 attorney upon request in connection with an  
32 investigation or prosecution involving perjury or the  
33 veracity of the information contained within the  
34 defendant's financial disclosure. In addition, upon  
35 request, the court shall provide the State Board of Control  
36 with a certified copy of any order imposing a restitution  
37 fine or order and a copy of the defendant's disclosure  
38 pursuant to paragraph (4) of subdivision (f) of Section  
39 1202.4, or affidavit or information pursuant to paragraph  
40 (5) of subdivision (f) of Section 1202.4, or report pursuant



1 to paragraph (7) of subdivision (f) of Section 1202.4. A  
2 victim shall have access to all resources available under  
3 the law to enforce the restitution order, including, but not  
4 limited to, access to the defendant's financial records, use  
5 of wage garnishment and lien procedures, information  
6 regarding the defendant's assets, and the ability to apply  
7 for restitution from any fund established for the purpose  
8 of compensating victims in civil cases. Any portion of a  
9 restitution order that remains unsatisfied after a  
10 defendant is no longer on probation or parole is  
11 enforceable by the victim pursuant to this section.  
12 Victims and the State Board of Control shall inform the  
13 court whenever an order to pay restitution is satisfied. A  
14 *victim may assign his or her rights under a restitution*  
15 *order to an insurer or other third party compensator that*  
16 *has reimbursed the victim for his or her losses, and upon*  
17 *assignment the insurer or other third party compensator*  
18 *shall have the same rights as a victim pursuant to this*  
19 *section.*

20 (c) Except as provided in subdivision (d), and  
21 notwithstanding the amount in controversy limitation of  
22 Section 85 of the Code of Civil Procedure, a restitution  
23 order or restitution fine that was imposed pursuant to  
24 Section 1202.4 by a municipal court, or by the superior  
25 court acting pursuant to subdivision (d) of Section 1462,  
26 may be enforced in the same manner as a money  
27 judgment in a limited civil case.

28 (d) Chapter 3 (commencing with Section 683.010) of  
29 Division 1 of Title 9 of Part 2 of the Code of Civil  
30 Procedure shall not apply to a judgment for any fine or  
31 restitution ordered pursuant to Section 1202.4 or Section  
32 1203.04 as operative on or before August 2, 1995, or  
33 Section 13967 of the Government Code, as operative on  
34 or before September 28, 1994.

35 (e) (1) This section shall become operative on  
36 January 1, 2000, and shall be applicable to all courts,  
37 except when all of the following apply:

38 (A) A majority of judges of a court apply to the Judicial  
39 Council for an extension.



1 (B) The judicial application described in paragraph  
2 (1) documents the need for time to adjust restitution  
3 procedures and practices, as well as to facilitate judicial  
4 education and training in direct restitution to victims  
5 under subdivision (f) of Section 1202.4.

6 (C) The Judicial Council grants the extension upon  
7 finding good cause.

8 (2) Upon the grant of an extension pursuant to the  
9 application of a court under this subdivision, the  
10 provisions of former Section 1202.4 shall continue to apply  
11 with respect to that court. The extension may be for any  
12 period of time set by the Judicial Council, but shall not  
13 exceed January 1, 2002, in any case.

14 ~~amended to read:~~

15 ~~1464. (a) Subject to Chapter 12 (commencing with~~  
16 ~~Section 76000) of Title 8 of the Government Code, there~~  
17 ~~shall be levied a state penalty, in an amount equal to ten~~  
18 ~~dollars (\$10) for every ten dollars (\$10) or fraction~~  
19 ~~thereof, upon every fine, penalty, or forfeiture imposed~~  
20 ~~and collected by the courts for criminal offenses,~~  
21 ~~including all offenses, except parking offenses as defined~~  
22 ~~in subdivision (i) of Section 1463, involving a violation of~~  
23 ~~a section of the Vehicle Code or any local ordinance~~  
24 ~~adopted pursuant to the Vehicle Code. Any bail schedule~~  
25 ~~adopted pursuant to Section 1269b may include the~~  
26 ~~necessary amount to pay the state penalties established~~  
27 ~~by this section and Chapter 12 (commencing with Section~~  
28 ~~76000) of Title 8 of the Government Code for all matters~~  
29 ~~where a personal appearance is not mandatory and the~~  
30 ~~bail is posted primarily to guarantee payment of the fine.~~

31 ~~(b) Where multiple offenses are involved, the state~~  
32 ~~penalty shall be based upon the total fine or bail for each~~  
33 ~~case. When a fine is suspended, in whole or in part, the~~  
34 ~~state penalty shall be reduced in proportion to the~~  
35 ~~suspension.~~

36 ~~(c) When any deposited bail is made for an offense to~~  
37 ~~which this section applies, and for which a court~~  
38 ~~appearance is not mandatory, the person making the~~  
39 ~~deposit shall also deposit a sufficient amount to include~~  
40 ~~the state penalty prescribed by this section for forfeited~~



1 bail. If bail is returned, the state penalty paid thereon  
2 pursuant to this section shall also be returned.

3 (d) In any case where a person convicted of any  
4 offense, to which this section applies, is in prison until the  
5 fine is satisfied, the judge may waive all or any part of the  
6 state penalty, the payment of which would work a  
7 hardship on the person convicted or his or her immediate  
8 family.

9 (e) After a determination by the court of the amount  
10 due, the clerk of the court shall collect the penalty and  
11 transmit it to the county treasury. The portion thereof  
12 attributable to Chapter 12 (commencing with Section  
13 76000) of Title 8 of the Government Code shall be  
14 deposited in the appropriate county fund and 70 percent  
15 of the balance shall then be transmitted to the State  
16 Treasury, to be deposited in the State Penalty Fund,  
17 which is hereby created, and 30 percent to remain on  
18 deposit in the county general fund. The transmission to  
19 the State Treasury shall be carried out in the same  
20 manner as fines collected for the state by a county.

21 (f) The moneys so deposited in the State Penalty Fund  
22 shall be distributed as follows:

23 (1) Once a month there shall be transferred into the  
24 Fish and Game Preservation Fund an amount equal to  
25 0.33 percent of the state penalty funds deposited in the  
26 State Penalty Fund during the preceding month, except  
27 that the total amount shall not be less than the state  
28 penalty levied on fines or forfeitures for violation of state  
29 laws relating to the protection or propagation of fish and  
30 game. These moneys shall be used for the education or  
31 training of department employees which fulfills a need  
32 consistent with the objectives of the Department of Fish  
33 and Game.

34 (2) Once a month there shall be transferred into the  
35 Restitution Fund an amount equal to 32.02 percent of the  
36 state penalty funds deposited in the State Penalty Fund  
37 during the preceding month. Those funds shall be made  
38 available in accordance with the provisions of Section  
39 13967 of the Government Code.



1 ~~(3) Once a month there shall be transferred into the~~  
2 ~~Peace Officers' Training Fund an amount equal to 23.99~~  
3 ~~percent of the state penalty funds deposited in the State~~  
4 ~~Penalty Fund during the preceding month.~~

5 ~~(4) Once a month there shall be transferred into the~~  
6 ~~Driver Training Penalty Assessment Fund an amount~~  
7 ~~equal to 25.70 percent of the state penalty funds deposited~~  
8 ~~in the State Penalty Fund during the preceding month.~~

9 ~~(5) Once a month there shall be transferred into the~~  
10 ~~Corrections Training Fund an amount equal to 7.88~~  
11 ~~percent of the state penalty funds deposited in the State~~  
12 ~~Penalty Fund during the preceding month. Money in the~~  
13 ~~Corrections Training Fund is not continuously~~  
14 ~~appropriated and shall be appropriated in the Budget~~  
15 ~~Act.~~

16 ~~(6) Once a month there shall be transferred into the~~  
17 ~~Local Public Prosecutors and Public Defenders Training~~  
18 ~~Fund established pursuant to Section 11503 an amount~~  
19 ~~equal to 0.78 percent of the state penalty funds deposited~~  
20 ~~in the State Penalty Fund during the preceding month.~~  
21 ~~The amount so transferred shall not exceed the sum of~~  
22 ~~eight hundred fifty thousand dollars (\$850,000) in any~~  
23 ~~fiscal year. The remainder in excess of eight hundred fifty~~  
24 ~~thousand dollars (\$850,000) shall be transferred to the~~  
25 ~~Restitution Fund.~~

26 ~~(7) Once a month there shall be transferred into the~~  
27 ~~Victim-Witness Assistance Fund an amount equal to 8.64~~  
28 ~~percent of the state penalty funds deposited in the State~~  
29 ~~Penalty Fund during the preceding month.~~

30 ~~(8) (A) Once a month there shall be transferred into~~  
31 ~~the Traumatic Brain Injury Fund, created pursuant to~~  
32 ~~Section 4358 of the Welfare and Institutions Code, an~~  
33 ~~amount equal to 0.66 percent of the state penalty funds~~  
34 ~~deposited into the State Penalty Fund during the~~  
35 ~~preceding month. However, the amount of funds~~  
36 ~~transferred into the Traumatic Brain Injury Fund for the~~  
37 ~~1996-97, 1997-98, and 1998-99 fiscal years shall not exceed~~  
38 ~~the amount of five hundred thousand dollars (\$500,000).~~  
39 ~~Thereafter, funds shall be transferred pursuant to the~~  
40 ~~requirements of this section.~~



1 ~~(B) Any moneys deposited in the State Penalty Fund~~  
2 ~~attributable to the assessments made pursuant to~~  
3 ~~subdivision (i) of Section 27315 of the Vehicle Code on or~~  
4 ~~after the date that Chapter 6.6 (commencing with~~  
5 ~~Section 5564) of Part 1 of Division 5 of the Welfare and~~  
6 ~~Institutions Code is repealed shall be utilized in~~  
7 ~~accordance with paragraphs (1) to (8), inclusive, of this~~  
8 ~~subdivision.~~

