

AMENDED IN SENATE JUNE 10, 2024

AMENDED IN SENATE JUNE 19, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

## ASSEMBLY BILL

**No. 1186**

**Introduced by Assembly Member Bonta  
(Coauthor: Assembly Member Bryan)**

February 16, 2023

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An act to amend ~~Sections 13963 and 77203 of the Government Code,~~ to amend Sections 1465.9, 2085.5, 2085.6, and 2085.7 of the Penal Code, and to amend Sections 202, 653.5, 654.3, 656, 729, 729.1, 730, 730.6, 730.7, 742.16, 742.20, 781, 782, 794, and 1752.81 of, to repeal Sections 729.5, 742.14, 742.18, 1752.82, and 1766.1 of, and to repeal and add Section 730.8 of, 223.2 and 730.6 of, and to repeal Sections 1752.81 and 1752.82 of, the Welfare and Institutions Code, relating to juveniles: restitution.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1186, as amended, Bonta. ~~Juveniles: restitution.~~ *Restitution fines.*

*(1) Existing law requires a court, when a defendant is convicted of a crime, to order the defendant to pay restitution to the victim or victims, and to additionally pay a restitution fine to be deposited in the Restitution Fund. Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund.*

*This bill would make the outstanding balance of any restitution fines unenforceable and uncollectible 10 years after the date of imposition of an order for a restitution fine.*

(2) Existing law establishes the jurisdiction of the juvenile court over minors who are between 12 and 17 years of age, inclusive, who have violated a federal, state, or local law or ordinance, as specified, and over minors under 12 years of age who have been alleged to have committed specified crimes. Existing law authorizes a juvenile court to adjudge a person under these circumstances to be a ward of the court. Existing law generally requires that the minor pay a restitution fine to be deposited into the Restitution Fund and restitution to any victim of the minor's conduct, as specified.

The bill would remove the requirement that a minor adjudged to be a ward of the court pay a restitution fine and would make the outstanding balance of any restitution fines unenforceable and uncollectible 10 years after the date of imposition of a restitution fine. The bill would make additional conforming changes.

(3) Existing law requires the juvenile court, when issuing the order of restitution, to identify on the court order, any co-offenders who are jointly and severally liable for victim restitution.

The bill would require, for the purposes of victim restitution, that each minor be held severally liable, as specified, and would prohibit a minor from being held jointly and severally liable as co-offenders.

(4) Existing law establishes the distribution of trust funds of a ward committed to the Division of Juvenile Justice, including payment of restitution orders and restitution fines. Under existing law, the Division of Juvenile Justice closed on June 30, 2023.

This bill would repeal these provisions.

~~Existing law establishes the jurisdiction of the juvenile court over minors who are between 12 and 17 years of age, inclusive, who have violated a federal, state, or local law or ordinance, as specified, and over minors under 12 years of age who have been alleged to have committed specified crimes. Existing law authorizes a juvenile court to adjudge a person under these circumstances to be a ward of the court. Existing law authorizes a court, upon adjudicating a person to be a ward of the court, to require the minor to pay restitution to the victim or victims.~~

~~This bill would remove the ability of the court to require the minor to pay monetary restitution to the victim. The bill would authorize the court to instead order the minor to make nonmonetary restitution by participating in a community-based restoration program, performing community service, or participating in an educational, employment, youth development, or mental health program, as specified. The bill~~

would require the court to determine the amount of economic loss suffered as a result of the minor's conduct and issue a restitution order, which would then be transmitted to the California Victim Compensation Board. The bill would require the California Victim Compensation Board, upon appropriation by the Legislature for these purposes, to compensate the victim for the amount in the order.

Existing law, for the purposes of determining victims for compensation from a ward, defines a victim for these purposes as including, among other things, a governmental entity responsible for repairing privately owned property that has been defaced or a corporation, partnership, association, government, or other legal or commercial entity when that entity is a direct victim of the crime.

This bill would remove those entities from the definition of victim.

The bill would additionally make other 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 1465.9 of the Penal Code is amended to*  
2     *read:*  
3     1465.9. (a) The balance of any court-imposed costs pursuant  
4     to Section 987.4, subdivision (a) of Section 987.5, Sections 987.8,  
5     1203, 1203.1e, 1203.016, 1203.018, 1203.1b, 1208.2, 1210.15,  
6     1463.07, 3010.8, 4024.2, and 6266, as those sections read on June  
7     30, 2021, shall be unenforceable and uncollectible and any portion  
8     of a judgment imposing those costs shall be vacated.  
9     (b) On and after January 1, 2022, the balance of any  
10    court-imposed costs pursuant to Section 1001.15, 1001.16, 1001.90,  
11    1202.4, 1203.1, 1203.1ab, 1203.1c, 1203.1m, 1203.4a, 1203.9,  
12    1205, 1214.5, 2085.5, 2085.6, or 2085.7, as those sections read on  
13    December 31, 2021, shall be unenforceable and uncollectible and  
14    any portion of a judgment imposing those costs shall be vacated.  
15    (c) On and after July 1, 2022, the balance of any court-imposed  
16    civil assessments pursuant to Section 1214.1 imposed prior to that  
17    date shall be unenforceable and uncollectible and any portion of  
18    a judgment imposing those assessments shall be vacated.  
19    (d) *Upon the expiration of 10 years after the date of imposition*  
20    *of a restitution fine pursuant to Section 1202.4, the balance shall*

1 *be unenforceable and uncollectible and any portion of a judgment*  
2 *imposing those fines shall be vacated.*

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

4 2085.5. (a) If a prisoner owes a restitution fine imposed  
5 pursuant to subdivision (a) of Section 13967 of the Government  
6 Code, as operative prior to September 29, 1994, subdivision (b)  
7 of Section 730.6 of the Welfare and Institutions Code, *as operative*  
8 *prior to January 1, 2025*, or subdivision (b) of Section 1202.4 of  
9 this code, the secretary shall deduct a minimum of 20 percent or  
10 the balance owing on the fine amount, whichever is less, up to a  
11 maximum of 50 percent from the wages and trust account deposits  
12 of a prisoner, unless prohibited by federal law, and shall transfer  
13 that amount to the California Victim Compensation Board for  
14 deposit in the Restitution Fund. The amount deducted shall be  
15 credited against the amount owing on the fine. The sentencing  
16 court shall be provided a record of the payments.

17 (b) (1) If a prisoner is punished by imprisonment in a county  
18 jail pursuant to subdivision (h) of Section 1170 and owes a  
19 restitution fine imposed pursuant to subdivision (a) of Section  
20 13967 of the Government Code, as operative prior to September  
21 29, 1994, subdivision (b) of Section 730.6 of the Welfare and  
22 Institutions Code, *as operative prior to January 1, 2025*, or  
23 subdivision (b) of Section 1202.4 of this code, the agency  
24 designated by the board of supervisors in a county where the  
25 prisoner is incarcerated is authorized to deduct a minimum of 20  
26 percent or the balance owing on the fine amount, whichever is  
27 less, up to a maximum of 50 percent from the county jail equivalent  
28 of wages and trust account deposits of a prisoner, unless prohibited  
29 by federal law, and shall transfer that amount to the California  
30 Victim Compensation Board for deposit in the Restitution Fund.  
31 The amount deducted shall be credited against the amount owing  
32 on the fine. The sentencing court shall be provided a record of the  
33 payments.

34 (2) If the board of supervisors designates the county sheriff as  
35 the collecting agency, the board of supervisors shall first obtain  
36 the concurrence of the county sheriff.

37 (c) If a prisoner owes a restitution order imposed pursuant to  
38 subdivision (c) of Section 13967 of the Government Code, as  
39 operative prior to September 29, 1994, subdivision~~(h)~~ (b) of  
40 Section 730.6 of the Welfare and Institutions Code, or subdivision

(f) of Section 1202.4 of this code, the secretary shall deduct a minimum of 20 percent or the balance owing on the order amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law. The secretary shall transfer that amount to the California Victim Compensation Board for direct payment to the victim, or payment shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program. The sentencing court shall be provided a record of the payments made to victims and of the payments deposited to the Restitution Fund pursuant to this subdivision.

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

(e) In any case in which a parolee owes a restitution fine imposed pursuant to subdivision (a) of Section 13967 of the Government Code, as operative prior to September 29, 1994, subdivision (b) of Section 730.6 of the Welfare and Institutions Code, *as operative prior to January 1, 2025*, or subdivision (b) of Section 1202.4 of this code, either the secretary or, if a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, the agency designated by the board of supervisors in the county where the prisoner is incarcerated may collect from the parolee any moneys owing on

1 the restitution fine amount, unless prohibited by federal law. The  
2 secretary or the agency shall transfer that amount to the California  
3 Victim Compensation Board for deposit in the Restitution Fund.  
4 The amount deducted shall be credited against the amount owing  
5 on the fine. The sentencing court shall be provided a record of the  
6 payments.

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

24 (g) If a prisoner has both a restitution fine and a restitution order  
25 from the sentencing court, the department shall collect the  
26 restitution order first pursuant to subdivision (c).

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

34 (i) If a parolee has both a restitution fine and a restitution order  
35 from the sentencing court, either the department or, if the prisoner  
36 is punished by imprisonment in a county jail pursuant to  
37 subdivision (h) of Section 1170, the agency designated by the  
38 board of supervisors in the county where the prisoner is  
39 incarcerated may collect the restitution order first, pursuant to  
40 subdivision (f).

1 (j) If an inmate is housed at an institution that requires food to  
2 be purchased from the institution canteen for unsupervised  
3 overnight visits, and if the money for the purchase of this food is  
4 received from funds other than the inmate's wages, that money  
5 shall be exempt from restitution deductions. This exemption shall  
6 apply to the actual amount spent on food for the visit up to a  
7 maximum of fifty dollars (\$50) for visits that include the inmate  
8 and one visitor, seventy dollars (\$70) for visits that include the  
9 inmate and two or three visitors, and eighty dollars (\$80) for visits  
10 that include the inmate and four or more visitors.

11 (k) (1) Amounts transferred to the California Victim  
12 Compensation Board for payment of direct orders of restitution  
13 shall be paid to the victim within 60 days from the date the  
14 restitution revenues are received by the California Victim  
15 Compensation Board. If the restitution payment to a victim is less  
16 than twenty-five dollars (\$25), then payment need not be forwarded  
17 to that victim until the payment reaches twenty-five dollars (\$25)  
18 or when the victim requests payment of the lesser amount.

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

27 (3) (A) A victim failing to provide a current address within the  
28 period of time specified in paragraph (2) may provide  
29 documentation to the department, which shall verify that moneys  
30 were collected on behalf of the victim. Upon receipt of that verified  
31 information from the department, the California Victim  
32 Compensation Board shall transmit the restitution revenues to the  
33 victim in accordance with the provisions of subdivision (c) or (f).

34 (B) A victim failing to provide a current address within the  
35 period of time specified in paragraph (2) may provide  
36 documentation to the agency designated by the board of supervisors  
37 in the county where the prisoner punished by imprisonment in a  
38 county jail pursuant to subdivision (h) of Section 1170 is  
39 incarcerated, which may verify that moneys were collected on  
40 behalf of the victim. Upon receipt of that verified information from

1 the agency, the California Victim Compensation Board shall  
2 transmit the restitution revenues to the victim in accordance with  
3 the provisions of subdivision (d) or (f).

4 ~~(f) This section shall become operative on January 1, 2022.~~

5 *SEC. 3. Section 2085.6 of the Penal Code is amended to read:*

6 2085.6. (a) When a prisoner who owes a restitution fine, or  
7 any portion thereof, is subsequently released from the custody of  
8 the Department of Corrections and Rehabilitation or a county jail  
9 facility, and is subject to postrelease community supervision under  
10 Section 3451 or mandatory supervision under subdivision (h) of  
11 Section 1170, the prisoner shall have a continuing obligation to  
12 pay the restitution fine in full. The restitution fine obligation and  
13 any portion left unsatisfied upon placement in postrelease  
14 community supervision or mandatory supervision is enforceable  
15 and may be collected, in a manner to be established by the county  
16 board of supervisors, by the department or county agency  
17 designated by the board of supervisors in the county where the  
18 prisoner is released. If a county elects to collect restitution fines,  
19 the department or county agency designated by the county board  
20 of supervisors shall transfer the amount collected to the California  
21 Victim Compensation Board for deposit in the Restitution Fund  
22 in the State Treasury.

23 (b) When a prisoner who owes payment for a restitution order,  
24 or any portion thereof, is released from the custody of the  
25 Department of Corrections and Rehabilitation or a county jail  
26 facility, and is subject to postrelease community supervision under  
27 Section 3451 or mandatory supervision under subdivision (h) of  
28 Section 1170, the prisoner shall have a continuing obligation to  
29 pay the restitution order in full. The restitution order obligation  
30 and any portion left unsatisfied upon placement in postrelease  
31 community supervision or mandatory supervision is enforceable  
32 and may be collected, in a manner to be established by the county  
33 board of supervisors, by the agency designated by the county board  
34 of supervisors in the county where the prisoner is released. If the  
35 county elects to collect the restitution order, the agency designated  
36 by the county board of supervisors for collection shall transfer the  
37 collected amount to the California Victim Compensation Board  
38 for deposit in the Restitution Fund in the State Treasury or may  
39 pay the victim directly. The sentencing court shall be provided a



1 record of payments made to the victim and of the payments  
2 deposited into the Restitution Fund.

3 (c) Any portion of a restitution order or restitution fine that  
4 remains unsatisfied after an individual is released from postrelease  
5 community supervision or mandatory supervision shall continue  
6 to be enforceable by a victim pursuant to Section 1214 until the  
7 obligation is satisfied.

8 (d) If a county elects to collect both a restitution fine and a  
9 restitution order, the amount owed on the restitution order shall  
10 be collected before the restitution fine.

11 (e) If a county elects to collect restitution fines and restitution  
12 orders pursuant to this section, the county shall coordinate efforts  
13 with the Franchise Tax Board pursuant to Section 19280 of the  
14 Revenue and Taxation Code.

15 (f) Pursuant to Section 1214, the county agency selected by a  
16 county board of supervisors to collect restitution fines and  
17 restitution orders may collect restitution fines and restitution orders  
18 after an individual is no longer on postrelease community  
19 supervision or mandatory supervision or after a term in custody  
20 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)  
21 of Section 1170.

22 (g) For purposes of this section, the following definitions shall  
23 apply:

24 (1) "Restitution fine" means a fine imposed pursuant to  
25 subdivision (a) of Section 13967 of the Government Code, as  
26 operative prior to September 29, 1994, subdivision (b) of Section  
27 730.6 of the Welfare and Institutions Code, *as operative prior to*  
28 *January 1, 2025*, or subdivision (b) of Section 1202.4.

29 (2) "Restitution order" means an order for restitution to the  
30 victim of a crime imposed pursuant to subdivision (c) of Section  
31 13967 of the Government Code, as operative prior to September  
32 29, 1994, subdivision ~~(h)~~ (b) of Section 730.6 of the Welfare and  
33 Institutions Code, or subdivision (f) of Section 1202.4.

34 ~~(h) This section shall become operative on January 1, 2022.~~

35 *SEC. 4. Section 2085.7 of the Penal Code is amended to read:*

36 2085.7. (a) When a prisoner who owes a restitution fine, or  
37 any portion thereof, is released from the custody of a county jail  
38 facility after completion of a term in custody pursuant to  
39 subparagraph (A) of paragraph (5) of subdivision (h) of Section  
40 1170, the prisoner has a continuing obligation to pay the restitution

1 fine in full. The balance of the restitution fine remaining unpaid  
2 after completion of a term in custody pursuant to subparagraph  
3 (A) of paragraph (5) of subdivision (h) of Section 1170 is  
4 enforceable and may be collected, in a manner to be established  
5 by the county board of supervisors, by the department or county  
6 agency designated by the board of supervisors in the county in  
7 which the prisoner is released. If a county elects to collect  
8 restitution fines, the department or county agency designated by  
9 the county board of supervisors shall transfer the amount collected  
10 to the California Victim Compensation Board for deposit in the  
11 Restitution Fund.

12 (b) When a prisoner who owes payment for a restitution order,  
13 or any portion thereof, is released from the custody of a county  
14 jail facility after completion of a term in custody pursuant to  
15 subparagraph (A) of paragraph (5) of subdivision (h) of Section  
16 1170, the prisoner has a continuing obligation to pay the restitution  
17 order in full. The balance of the restitution order remaining unpaid  
18 after completion of a term in custody pursuant to subparagraph  
19 (A) of paragraph (5) of subdivision (h) of Section 1170 is  
20 enforceable and may be collected, in a manner to be established  
21 by the county board of supervisors, by the agency designated by  
22 the county board of supervisors in the county in which the prisoner  
23 is released. If the county elects to collect the restitution order, the  
24 agency designated by the county board of supervisors for collection  
25 shall transfer the collected amount to the California Victim  
26 Compensation Board for deposit in the Restitution Fund or may  
27 pay the victim directly. The sentencing court shall be provided a  
28 record of payments made to the victim and of the payments  
29 deposited into the Restitution Fund.

30 (c) The amount of a restitution order or restitution fine that  
31 remains unsatisfied after completion of a term in custody pursuant  
32 to subparagraph (A) of paragraph (5) of subdivision (h) of Section  
33 1170 is to be enforceable by a victim pursuant to Section 1214  
34 until the obligation is satisfied.

35 (d) If a county elects to collect both a restitution fine and a  
36 restitution order, the amount owed on the restitution order shall  
37 be collected before the restitution fine.

38 (e) If a county elects to collect restitution fines and restitution  
39 orders pursuant to this section, the county shall coordinate efforts

1 with the Franchise Tax Board pursuant to Section 19280 of the  
2 Revenue and Taxation Code.

3 (f) Pursuant to Section 1214, the county agency selected by a  
4 county board of supervisors to collect restitution fines and  
5 restitution orders may collect restitution fines and restitution orders  
6 after an individual has completed a term in custody pursuant to  
7 subparagraph (A) of paragraph (5) of subdivision (h) of Section  
8 1170.

9 (g) For purposes of this section, the following definitions shall  
10 apply:

11 (1) “Restitution fine” means a fine imposed pursuant to  
12 subdivision (a) of Section 13967 of the Government Code, as  
13 operative prior to September 29, 1994, subdivision (b) of Section  
14 730.6 of the Welfare and Institutions Code, *as operative prior to*  
15 *January 1, 2025*, or subdivision (b) of Section 1202.4.

16 (2) “Restitution order” means an order for restitution to the  
17 victim of a crime imposed pursuant to subdivision (c) of Section  
18 13967 of the Government Code, as operative prior to September  
19 29, 1994, subdivision ~~(h)~~ (b) of Section 730.6 of the Welfare and  
20 Institutions Code, or subdivision (f) of Section 1202.4.

21 ~~(h) This section shall become operative on January 1, 2022.~~

22 SEC. 5. *Section 223.2 of the Welfare and Institutions Code is*  
23 *amended to read:*

24 223.2. (a) The unpaid outstanding balance of any  
25 county-assessed or court-ordered costs imposed before January 1,  
26 2018, pursuant to Section 207.2, 903, or 903.1, former Section  
27 903.15, or Section 903.2, 903.25, 903.4, or 903.5 against the parent,  
28 guardian, or other person liable for the support of a minor is  
29 vacated and shall be unenforceable and uncollectable if the minor  
30 was adjudged to be a ward of the juvenile court, was on probation  
31 pursuant to Section 725, was the subject of a petition filed to  
32 adjudge the minor a ward, or was the subject of a program of  
33 supervision undertaken pursuant to Section 654. This subdivision  
34 applies to dual status children for purposes of delinquency  
35 jurisdiction.

36 (b) The unpaid outstanding balance of any county-assessed or  
37 court-ordered costs imposed before January 1, 2018, pursuant to  
38 Section 729.9 against a minor is vacated and shall be unenforceable  
39 and uncollectable. This subdivision applies to dual status children  
40 for purposes of delinquency jurisdiction.

(c) The unpaid outstanding balance of any county-assessed or court-ordered costs imposed before January 1, 2018, pursuant to Sections 1203.016, 1203.1ab, and 1208.2 of the Penal Code against adults who at the time were not adults who were over 21 years of age and were under the jurisdiction of the criminal court is vacated and shall be unenforceable and uncollectable.

*(d) Upon the expiration of 10 years after the date of imposition of a restitution fine pursuant to Section 730.6 against a minor, any outstanding balance is vacated and shall be unenforceable and uncollectable.*

*SEC. 6. Section 730.6 of the Welfare and Institutions Code is amended to read:*

730.6. (a) (1) It is the intent of the Legislature that a victim of conduct for which a minor is found to be a person described in Section 602 who incurs an economic loss as a result of the minor's conduct shall receive restitution directly from that minor.

(2) Upon a minor being found to be a person described in Section 602, the court shall consider levying a fine in accordance with Section 730.5. In addition, the court shall order the minor to pay, in addition to any other penalty provided or imposed under the law, ~~both of the following: restitution to the victim or victims, if any, in accordance with subdivision (b). The court shall not impose a separate and additional restitution fine against a minor found to be a person described in Section 602.~~

~~(A) A restitution fine in accordance with subdivision (b).~~

~~(B) Restitution to the victim or victims, if any, in accordance with subdivision (h).~~

~~(b) If a minor is found to be a person described in Section 602, the court shall impose a separate and additional restitution fine. The restitution fine shall be set at the discretion of the court and commensurate with the seriousness of the offense as follows:~~

~~(1) If the minor is found to be a person described in Section 602 by reason of the commission of one or more felony offenses, the restitution fine shall not be less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000). A separate hearing for the fine shall not be required.~~

~~(2) If the minor is found to be a person described in Section 602 by reason of the commission of one or more misdemeanor offenses, the restitution fine shall not exceed one hundred dollars (\$100). A separate hearing for the fine shall not be required.~~

1 ~~(e) The restitution fine shall be in addition to any other~~  
2 ~~disposition or fine imposed and shall be imposed regardless of the~~  
3 ~~minor's inability to pay. This fine shall be deposited in the~~  
4 ~~Restitution Fund.~~

5 ~~(d) (1) In setting the amount of the fine pursuant to~~  
6 ~~subparagraph (A) of paragraph (2) of subdivision (a), the court~~  
7 ~~shall consider any relevant factors including, but not limited to,~~  
8 ~~the minor's ability to pay, the seriousness and gravity of the offense~~  
9 ~~and the circumstances of its commission, any economic gain~~  
10 ~~derived by the minor as a result of the offense, and the extent to~~  
11 ~~which others suffered losses as a result of the offense. The losses~~  
12 ~~may include pecuniary losses to the victim or his or her dependents~~  
13 ~~as well as intangible losses such as psychological harm caused by~~  
14 ~~the offense.~~

15 ~~(2) The consideration of a minor's ability to pay may include~~  
16 ~~his or her future earning capacity. A minor shall bear the burden~~  
17 ~~of demonstrating a lack of his or her ability to pay.~~

18 ~~(e) Express findings of the court as to the factors bearing on the~~  
19 ~~amount of the fine shall not be required.~~

20 ~~(f) Except as provided in subdivision (g), under no circumstances~~  
21 ~~shall the court fail to impose the separate and additional restitution~~  
22 ~~fine required by subparagraph (A) of paragraph (2) of subdivision~~  
23 ~~(a). This fine shall not be subject to penalty assessments pursuant~~  
24 ~~to Section 1464 of the Penal Code.~~

25 ~~(g) (1) In a case in which the minor is a person described in~~  
26 ~~Section 602 by reason of having committed a felony offense, if~~  
27 ~~the court finds that there are compelling and extraordinary reasons,~~  
28 ~~the court may waive imposition of the restitution fine required by~~  
29 ~~subparagraph (A) of paragraph (2) of subdivision (a). If a waiver~~  
30 ~~is granted, the court shall state on the record all reasons supporting~~  
31 ~~the waiver.~~

32 ~~(2) If the minor is a person described in subdivision (a) of~~  
33 ~~Section 241.1, the court shall waive imposition of the restitution~~  
34 ~~fine required by subparagraph (A) of paragraph (2) of subdivision~~  
35 ~~(a).~~

36 ~~(h)~~

37 ~~(b) (1) Restitution ordered pursuant to subparagraph (B) of~~  
38 ~~paragraph (2) of subdivision (a) shall be imposed in the amount~~  
39 ~~of the losses, as determined. If the amount of loss cannot be~~  
40 ~~ascertained at the time of sentencing, the restitution order shall~~

1 include a provision that the amount shall be determined at the  
2 direction of the court at any time during the term of the  
3 commitment or probation. The court shall order full restitution  
4 unless it finds compelling and extraordinary reasons for not doing  
5 so, and states them on the record. A minor's inability to pay shall  
6 not be considered a compelling or extraordinary reason not to  
7 impose a restitution order, nor shall inability to pay be a  
8 consideration in determining the amount of the restitution order.  
9 A restitution order pursuant to ~~subparagraph (B) of paragraph (2)~~  
10 of subdivision (a), to the extent possible, shall identify each victim,  
11 unless the court for good cause finds that the order should not  
12 identify a victim or victims, and the amount of each victim's loss  
13 to which it pertains, and shall be of a dollar amount sufficient to  
14 fully reimburse the victim or victims for all determined economic  
15 losses incurred as the result of the minor's conduct for which the  
16 minor was found to be a person described in Section 602, including  
17 all of the following:

18 (A) Full or partial payment for the value of stolen or damaged  
19 property. The value of stolen or damaged property shall be the  
20 replacement cost of like property, or the actual cost of repairing  
21 the property when repair is ~~possible~~. *possible, whichever is less.*

22 (B) Medical expenses.

23 (C) Wages or profits lost due to injury incurred by the victim,  
24 and if the victim is a minor, wages or profits lost by the minor's  
25 parent, parents, guardian, or guardians, while caring for the injured  
26 minor. Lost wages shall include any commission income as well  
27 as any base wages. Commission income shall be established by  
28 evidence of commission income during the 12-month period prior  
29 to the date of the crime for which restitution is being ordered,  
30 unless good cause for a shorter time period is shown.

31 (D) Wages or profits lost by the victim, and if the victim is a  
32 minor, wages or profits lost by the minor's parent, parents,  
33 guardian, or guardians, due to time spent as a witness or in assisting  
34 the police or prosecution. Lost wages shall include any commission  
35 income as well as any base wages. Commission income shall be  
36 established by evidence of commission income during the  
37 12-month period prior to the date of the crime for which restitution  
38 is being ordered, unless good cause for a shorter time period is  
39 shown.

(2) A minor shall have the right to a hearing before a judge to dispute the determination of the amount of restitution. The court may modify the amount on its own motion or on the motion of the district attorney, the victim or victims, or the minor. If a motion is made for modification of a restitution order, the victim shall be notified of that motion at least 10 days prior to the hearing on the motion. If the amount of victim restitution is not known at the time of disposition, the court order shall identify the victim or victims, unless the court finds for good cause that the order should not identify a victim or victims, and state that the amount of restitution for each victim is to be determined. ~~If feasible, the court shall also identify on the court order, any co-offenders who are jointly and severally liable for victim restitution.~~

(3) *For the purposes of victim restitution, each minor shall be held severally liable, and shall not be held jointly and severally liable as co-offenders. The court shall apportion liability based on each minor's percentage of responsibility or fault for all economic losses included in the order of restitution.*

(i)

~~(c)~~ A restitution order imposed pursuant to ~~subparagraph (B)~~ of paragraph (2) of subdivision (a) shall identify the losses to which it pertains, and shall be enforceable as a civil judgment pursuant to subdivision ~~(r)~~; (k). The making of a restitution order pursuant to this subdivision shall not affect the right of a victim to recovery from the Restitution Fund in the manner provided elsewhere, except to the extent that restitution is actually collected pursuant to the order. Restitution collected pursuant to this subdivision shall be credited to any other judgments for the same losses obtained against the minor or the minor's parent or guardian arising out of the offense for which the minor was found to be a person described in Section 602. Restitution imposed shall be ordered to be made to the Restitution Fund to the extent that the victim, as defined in subdivision ~~(j)~~; (d) has received assistance from the Victims of Crime Program pursuant to Article 5 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code.

(j)

(d) For purposes of this section, "victim" shall include:

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

(2) A governmental entity that is responsible for repairing, replacing, or restoring public or privately owned property that has been defaced with graffiti or other inscribed material, as defined in subdivision (e) of Section 594 of the Penal Code, and that has sustained an economic loss as the result of a violation of Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code.

(3) A corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity when that entity is a direct victim of a crime.

(4) A person who has sustained economic loss as the result of a crime and who satisfies any of the following conditions:

(A) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim.

(B) At the time of the crime was living in the household of the victim.

(C) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in subparagraph (A).

(D) Is another family member of the victim, including, but not limited to, the victim's fiancé or fiancée, and who witnessed the crime.

(E) Is the primary caretaker of a minor victim.

~~(k)~~

(e) If the direct victim of an offense is a group home or other facility licensed to provide residential care in which the minor was placed as a dependent or ward of the court, or an employee thereof, restitution shall be limited to out-of-pocket expenses that are not covered by insurance and that are paid by the facility or employee.

~~(h)~~

(f) Upon a minor being found to be a person described in Section 602, the court shall require, as a condition of probation, the payment of restitution fines and orders imposed under this section. Any portion of a restitution order that remains unsatisfied after a minor is no longer on probation shall continue to be enforceable by a victim pursuant to subdivision-~~(r)~~ (k) until the obligation is satisfied in-~~full~~. *full or is vacated and unenforceable and uncollectable.*

~~(m)~~



1 (g) Probation shall not be revoked for failure of a person to  
2 make restitution pursuant to this section as a condition of probation  
3 unless the court determines that the person has willfully failed to  
4 pay or failed to make sufficient bona fide efforts to legally acquire  
5 the resources to pay.

6 ~~(n)~~

7 (h) If the court finds and states on the record compelling and  
8 extraordinary reasons why restitution should not be required as  
9 provided in paragraph (2) of subdivision (a), the court shall order,  
10 as a condition of probation, that the minor perform specified  
11 community service.

12 ~~(o)~~

13 (i) The court may avoid ordering community service as a  
14 condition of probation only if it finds and states on the record  
15 compelling and extraordinary reasons not to order community  
16 service in addition to the finding that restitution pursuant to  
17 paragraph (2) of subdivision (a) should not be required.

18 ~~(p)~~

19 (j) If a minor is committed to the Division of Juvenile Facilities,  
20 Department of Corrections and Rehabilitation, the court shall order  
21 restitution to be paid to the victim or victims, if any. ~~Payment of~~  
22 ~~restitution to the victim or victims pursuant to this subdivision~~  
23 ~~shall take priority in time over payment of any other restitution~~  
24 ~~fine imposed pursuant to this section.~~

25 ~~(q) At its discretion, the board of supervisors of any county may~~  
26 ~~impose a fee to cover the actual administrative cost of collecting~~  
27 ~~the restitution fine, not to exceed 10 percent of the amount ordered~~  
28 ~~to be paid, to be added to the restitution fine and included in the~~  
29 ~~order of the court, the proceeds of which shall be deposited in the~~  
30 ~~general fund of the county.~~

31 ~~(r)~~

32 (k) If the judgment is for a restitution fine ordered pursuant to  
33 ~~subparagraph (A) of paragraph (2) of subdivision (a), or a~~  
34 ~~restitution order imposed pursuant to subparagraph (B) of~~  
35 ~~paragraph (2) of subdivision (a), the judgment may be enforced~~  
36 ~~in the manner provided in Section 1214 of the Penal Code.~~

37 *SEC. 7. Section 1752.81 of the Welfare and Institutions Code*  
38 *is repealed.*

39 ~~1752.81. (a) Whenever the Director of the Division of Juvenile~~  
40 ~~Justice has in his or her possession in trust funds of a ward~~

1 committed to the division, the funds may be released for any  
2 purpose when authorized by the ward. When the sum held in trust  
3 for any ward by the director exceeds five hundred dollars (\$500),  
4 the amount in excess of five hundred dollars (\$500) may be  
5 expended by the director pursuant to a lawful order of a court  
6 directing payment of the funds, without the authorization of the  
7 ward thereto.

8 (b) ~~Whenever an adult or minor is committed to or housed in a~~  
9 ~~Division of Juvenile Facilities facility and he or she owes a~~  
10 ~~restitution fine imposed pursuant to Section 13967 of the~~  
11 ~~Government Code, as operative on or before September 28, 1994,~~  
12 ~~or Section 1202.4 or 1203.04 of the Penal Code, as operative on~~  
13 ~~or before August 2, 1995, or pursuant to Section 729.6, 730.6 or~~  
14 ~~731.1, as operative on or before August 2, 1995, the director shall~~  
15 ~~deduct the balance owing on the fine amount from the trust account~~  
16 ~~deposits of a ward, up to a maximum of 50 percent of the total~~  
17 ~~amount held in trust, unless prohibited by federal law. The director~~  
18 ~~shall transfer that amount to the California Victim Compensation~~  
19 ~~Board for deposit in the Restitution Fund in the State Treasury.~~  
20 ~~Any amount so deducted shall be credited against the amount~~  
21 ~~owing on the fine. The sentencing court shall be provided a record~~  
22 ~~of the payments.~~

23 (c) ~~Whenever an adult or minor is committed to, or housed in,~~  
24 ~~a Division of Juvenile Facilities facility and he or she owes~~  
25 ~~restitution to a victim imposed pursuant to Section 13967 of the~~  
26 ~~Government Code, as operative on or before September 28, 1994,~~  
27 ~~or Section 1202.4 or 1203.04 of the Penal Code, as operative on~~  
28 ~~or before August 2, 1995, or pursuant to Section 729.6, 730.6, or~~  
29 ~~731.1, as operative on or before August 2, 1995, the director shall~~  
30 ~~deduct the balance owing on the order amount from the trust~~  
31 ~~account deposits of a ward, up to a maximum of 50 percent of the~~  
32 ~~total amount held in trust, unless prohibited by federal law. The~~  
33 ~~director shall transfer that amount directly to the victim. If the~~  
34 ~~restitution is owed to a person who has filed an application with~~  
35 ~~the Victims of Crime Program, the director shall transfer that~~  
36 ~~amount to the California Victim Compensation Board for direct~~  
37 ~~payment to the victim or payment shall be made to the Restitution~~  
38 ~~Fund to the extent that the victim has received assistance pursuant~~  
39 ~~to that program. The sentencing court shall be provided a record~~

1 of the payments made to victims and of the payments deposited  
2 to the Restitution Fund pursuant to this subdivision.

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

21 (e) The director shall deduct and retain from the trust account  
22 deposits of a ward, unless prohibited by federal law, an  
23 administrative fee that totals 10 percent of any amount transferred  
24 pursuant to subdivision (b) and (c), or 5 percent of any amount  
25 transferred pursuant to subdivision (d). The director shall deposit  
26 the administrative fee moneys in a special deposit account for  
27 reimbursing administrative and support costs of the restitution and  
28 victims program of the Division of Juvenile Facilities. The director,  
29 at his or her discretion, may retain any excess funds in the special  
30 deposit account for future reimbursement of the division's  
31 administrative and support costs for the restitution and victims  
32 program or may transfer all or part of the excess funds for deposit  
33 in the Restitution Fund.

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

37 (g) Notwithstanding subdivisions (a), (b), and (c), whenever the  
38 director holds in trust a ward's funds in excess of five dollars (\$5)  
39 and the ward cannot be located, after one year from the date of  
40 discharge, absconding from the Division of Juvenile Facilities

1 supervision, or escape, the Division of Juvenile Facilities shall  
2 apply the trust account balance to any unsatisfied victim restitution  
3 order or fine owed by that ward. If the victim restitution order or  
4 fine has been satisfied, the remainder of the ward's trust account  
5 balance, if any, shall be transferred to the Benefit Fund to be  
6 expended pursuant to Section 1752.5. If the victim to whom a  
7 particular ward owes restitution cannot be located, the moneys  
8 shall be transferred to the Benefit Fund to be expended pursuant  
9 to Section 1752.5.

10 *SEC. 8. Section 1752.82 of the Welfare and Institutions Code*  
11 *is repealed.*

12 ~~1752.82. (a) Whenever an adult or minor is committed to or~~  
13 ~~housed in a Youth Authority facility and he or she owes restitution~~  
14 ~~to a victim or a restitution fine imposed pursuant to Section 13967,~~  
15 ~~as operative on or before September 28, 1994, of the Government~~  
16 ~~Code, or Section 1202.4 of the Penal Code, or Section 1203.04,~~  
17 ~~as operative on or before August 2, 1994, of the Penal Code, or~~  
18 ~~pursuant to Section 729.6, as operative on or before August 2,~~  
19 ~~1995, Section 730.6 or 731.1, as operative on or before August 2,~~  
20 ~~1995, the director may deduct a reasonable amount not to exceed~~  
21 ~~50 percent from the wages of that adult or minor and the amount~~  
22 ~~so deducted, exclusive of the costs of administering this section,~~  
23 ~~which shall be retained by the director, shall be transferred to the~~  
24 ~~California Victim Compensation Board for deposit in the~~  
25 ~~Restitution Fund in the State Treasury in the case of a restitution~~  
26 ~~fine, or, in the case of a restitution order, and upon the request of~~  
27 ~~the victim, shall be paid directly to the victim. Any amount so~~  
28 ~~deducted shall be credited against the amount owing on the fine~~  
29 ~~or to the victim. The committing court shall be provided a record~~  
30 ~~of any payments.~~

31 ~~(b) A victim who has requested that restitution payments be~~  
32 ~~paid directly to him or her pursuant to subdivision (a) shall provide~~  
33 ~~a current address to the Youth Authority to enable the Youth~~  
34 ~~Authority to send restitution payments collected on the victim's~~  
35 ~~behalf to the victim.~~

36 ~~(c) In the case of a restitution order, whenever the victim has~~  
37 ~~died, cannot be located, or has not requested the restitution~~  
38 ~~payment, the director may deduct a reasonable amount not to~~  
39 ~~exceed 50 percent of the wages of that adult or minor and the~~  
40 ~~amount so deducted, exclusive of the costs of administering this~~

1 section, which shall be retained by the director, shall be transferred  
2 to the California Victim Compensation Board, pursuant to  
3 subdivision (d), after one year has elapsed from the time the ward  
4 is discharged by the Youth Authority Board. Any amount so  
5 deducted shall be credited against the amount owing to the victim.  
6 The funds so transferred shall be deposited in the Restitution Fund.

7 (d) If the Youth Authority has collected restitution payments  
8 on behalf of a victim, the victim shall request those payments no  
9 later than one year after the ward has been discharged by the Youth  
10 Authority Board. Any victim who fails to request those payments  
11 within that time period shall have relinquished all rights to the  
12 payments, unless he or she can show reasonable cause for failure  
13 to request those payments within that time period.

14 (e) The director shall transfer to the California Victim  
15 Compensation Board all restitution payments collected prior to  
16 the effective date of this section on behalf of victims who have  
17 died, cannot be located, or have not requested restitution payments.  
18 The California Victim Compensation Board shall deposit these  
19 amounts in the Restitution Fund.

20 (f) For purposes of this section, "victim" includes a victim's  
21 immediate surviving family member, on whose behalf restitution  
22 has been ordered.

23  
24  
25 **All matter omitted in this version of the bill**  
26 **appears in the bill as amended in the**  
27 **Senate, June 19, 2023. (JR11)**  
28