

AN OFFENDER'S RESTITUTION RESPONSIBILITIES

For Adults and Juveniles



California Victim Compensation Board

The California Victim Compensation Board (CalVCB) and the California Department of Corrections and Rehabilitation (CDCR) created this guide to help offenders navigate the process of paying their restitution. Created in 1965, CalVCB helps victims of crime pay for crime-related expenses and is funded by restitution fines and orders.

What is restitution?

Restitution is your repayment, as an offender, to cover financial losses caused by your criminal activity. A restitution fine is imposed at the time of your sentencing and is read aloud in court along with your sentence. Additionally, a restitution order can be ordered post-sentencing. The court can order both types of restitution in the same case. If you are found guilty in multiple cases, the court can order restitution in each case. If your parole or probation is revoked, you may also have to pay the parole or probation revocation fine that is equal to the original fine amount.

What is a restitution order?

A restitution order is your debt, as an offender, to the victim. The court issues a restitution order for crime-related losses that may include

stolen cash or property, medical bills, car repair bills, funeral and burial expenses or other costs. The law requires the judge to order you to pay the entire amount of the victim's expenses. There is no maximum amount for this type of restitution. You cannot negotiate the amount, and the order cannot be waived if you don't have the ability to pay.

If you are sentenced before the victim's losses are determined, the judge can order restitution at a later date. Once the victim determines their expenses, the judge will order you to pay that amount. In addition, you may also be responsible for the expenses of the victim's family, such as counseling expenses or funeral and burial costs.

Is a restitution order a life-long debt?

Yes, a restitution order does not go away until it is paid. You may still owe restitution even if you declare bankruptcy. Any unpaid restitution can be sent to the Franchise Tax Board (FTB) for collection.

Where does the money from the restitution order go?

The money you pay toward a restitution order goes to the victim to pay for the losses caused by your criminal offense(s). However, when the California Victim Compensation Board (CalVCB) has already paid for the victim's losses, the

judge will order you to repay CalVCB to cover the cost of the expenses. CalVCB uses this money to reimburse the Restitution Fund.

What is a restitution fine?

A restitution fine is your debt, as the offender, to society. The fine is part of your rehabilitation. State law requires all offenders to pay a restitution fine. When you are sentenced, the judge may require you to pay a restitution fine within a set dollar range, depending on the date and type of crime:

- **Adult misdemeanor convictions:** a minimum of \$150 and a maximum of \$1,000
- **Adult felony convictions:** a minimum of \$300 and a maximum of \$10,000
- **Juvenile misdemeanors:** a maximum of \$100
- **Juvenile felonies:** a minimum of \$100 and a maximum of \$1,000

When a restitution fine for more than the minimum amount is under consideration, the judge will look at the seriousness of your crime, the victim's losses and your ability to pay. Even if you cannot pay now, the judge will consider your future earning potential.

Where does the money from the restitution fine go?

The money you pay toward a restitution fine goes into the state's Restitution Fund, an important funding source for CalVCB. The Board helps victims of violent crime pay for expenses that result from the crime, including, but not limited to: medical, dental, mental health treatment, funeral and burial expenses and income or support loss. CalVCB can also provide financial assistance to family members of crime victims.

How do I pay my restitution orders and fines?

Depending on the county where your crime was committed and/or depending on the type of crime, restitution may be collected by one of the following departments or agencies:

- Court
- Probation department
- County revenue department
- Collection agency
- Parole agent
- Division of Adult Parole Operations (DAPO)
- Local jail or juvenile hall
- FTB
- CDCR
- CDCR's Division of Juvenile Justice (DJJ)
- CalVCB

What if I am placed on probation?

If you are placed on probation, you will either make payment arrangements with your probation officer, or the judge will determine your payment amounts as part of the court order, unless otherwise specified. Payments are usually made to the probation office, a court collection unit or the county's office of revenue and recovery. The payment of restitution fines and orders may be made a term of your probation.

What if I am sentenced to prison?

If you are sentenced to prison, you or your family may make voluntary payments toward your restitution obligations. Make sure your CDC number is included with the payment and the payment states that it is "for restitution only." If you or your family do not make voluntary payments, CDCR will collect restitution payments. Each month, they will garnish 50 percent of any deposits made to your prison trust account, including money sent in by family or friends or wages earned while you are in prison.

The Board of Parole Hearings (BPH) may look at your restitution payment history as one factor, among many, when determining whether to grant or deny parole.

After I am released from prison, how do I make payments toward my restitution obligations?

Payments can be made by sending a check, cashier's check or money order to CDCR at the address provided below. **It is very important to note your CDC number.**

CDCR Trust Accounting

P.O. Box 276088

Sacramento, CA 95827

You may also send money electronically through one of the following companies:

Jpay (www.jpays.com) or **Access Secure Deposits** (www.inmatedeposits.com).



While I am on Post-Release Community Supervision (PRCS), which agency receives my payments?

Each county is authorized to designate a collection agency that will collect restitution payments when someone is released on PRCS via Penal Code 2085.6. However, not all counties are actively pursuing collection at this time for various reasons. CDCR also has the legal authority to pursue collection from PRCS offenders. It is important that you speak with your probation officer to determine which agency has been designated for collection at the county level. If you have been released on PRCS, CDCR will still refer your case to FTB for collection unless otherwise notified by the county.

Will CDCR refer my case to FTB for collection even if I am making voluntary payments?

Yes, CDCR refers all cases with restitution orders to FTB for collection after the offender is released from prison. Restitution fines are sent to FTB by CalVCB. However, any voluntary payments made toward your restitution obligations will reduce the amount you owe once your case is referred to FTB.

Who do I call to find out how much restitution I owe and whether it has been sent to FTB?

Contact CDCR at **877-256-6877** and press 1 for restitution collection and ask to speak to an adult restitution analyst for balance information and to find out the current status of your restitution obligations.

CDCR refers all cases with outstanding victim restitution balances to FTB 90 days after release from prison.

What happens if I don't pay?

- Failure to make your restitution payments may be a violation of the terms and conditions of your probation.
- If you do not pay your restitution fine and/or order, money may be garnished from your paycheck or bank account.
- If you are a juvenile offender and do not pay your restitution in full, you may not receive an honorable discharge from DJJ. In addition, the judge may deny your request to remove your conviction from your record.
- When you are discharged from prison, any outstanding restitution you still owe may be referred to FTB for collection.

What if I am currently on parole and want to move out of state?

You must pay all outstanding restitution fines and orders before you are allowed to leave the state.

If I am a minor, are my parents or guardians responsible for my restitution obligations?

Yes, a parent or guardian who has joint or sole legal and physical custody of a minor offender may be jointly and severally responsible for the minor's restitution obligations, including all orders, fines and penalty assessments.

If parents or guardians cannot afford to pay restitution, they must show the judge proof. If they cannot pay at that time, the judge will consider the parents' or guardians' future earning potential.



What if I am sent to CDCR's DJJ?

If you are sent to a DJJ institution, there are four ways you can pay your restitution:

- You or your family may make voluntary payments at any time.
- If you are employed with the Free Venture Program, 20 percent of your wages will automatically be deducted.
- If you are placed in an institution, half of your incoming deposits, including ward pay, will be deducted from your trust account to pay your restitution fines and orders.
- If you are employed while on parole, your parole agent will establish a payment plan.

If you have questions on payments, contact CDCR at 877-256-6877 and press 1 for restitution collection.



California Victim Compensation Board

P.O. Box 3036

Sacramento, California 95812-3036

800-777-9229 | victims.ca.gov

Deaf and hard of hearing:

Call the California Relay Service at 711.



California Department of Corrections and Rehabilitation Office of Victim and Survivor Rights and Services:

P.O. Box 942883

Sacramento, CA 94283-0001

877-256-6877 | cdcr.ca.gov

