



Juvenile Restitution Fines – Quick Reference Sheet

RESTITUTION FINES

Welf. & Inst. Code §730.6(b)(1) and (2)

For minors found to be a person described in **Welfare and Institutions Code §602**

Restitution fines are a major source of funding for the Victim Compensation and Government Claims Board (Board) and the state Restitution Fund (Fund). The Board uses the Fund to assist victims and their families with economic losses suffered as a direct result of a qualifying crime.

Misdemeanors

Not to exceed \$100

Felonies

\$100 - \$1,000

- The restitution fine shall be commensurate with the seriousness of the offense. (**Welf. & Inst. Code §730.6(b)**)
- The court may waive the felony fine only for compelling and extraordinary reasons. (**Welf. & Inst. Code §730.6(g)**)

- A separate hearing for the fine is not required. (**Welf. & Inst. Code §730.6(b)(2)**)
- The court may levy a fine against the minor up to the amount that could be imposed upon an adult for the same offense. See **Welf. & Inst. Code §730.5** for specifics.

Offsetting the Fine is no Longer the Law

Offsetting the fine under **Paul R.** (1996) 42 Cal.App.4th 1582, is no longer the law. **Paul R.** was based on a statute then in existence, which contained the “in lieu” language from former Government Code section 13967 (c). In 1995, the “in lieu” language was eliminated when **Welfare and Institutions Code section 731.1** was repealed.

The restitution fine shall be in addition to any other disposition or fine imposed and shall be imposed **regardless of the minor’s inability to pay.** (**Welf. & Inst. Code §730.6(c)**)

Setting the Fine Amount

Under **Welfare and Institutions Code section 730.6(d)(1)**, the court shall consider any relevant factors including, **but not limited to:**

- Seriousness of the offense
- Extent to which any other person suffered losses
- Pecuniary losses to the victim or his/her dependents
- Psychological harm to the victim or his/her dependents
- Minor’s economic gain
- Minor’s ability to pay
- Minor’s future earning capacity (**Welf. & Inst. Code §730.6(d)(2)**)

The minor bears the burden of showing inability to pay. (**Welf. & Inst. Code §730.6(d)(2)**)

Condition of Probation

The court shall require as a condition of probation the payment of restitution fines and orders imposed. (**Welf. & Inst. Code §730.6(l)**)

Presumption of Joint Liability for Fines and Orders

Pursuant to **Welfare and Institutions Code section 730.7(a)**, a parent or guardian who has joint or sole legal and physical custody of the minor is rebuttably presumed to be jointly and severally liable with the minor for restitution orders, fines, and penalty assessments, up to the limits of Civil Code sections 1714.1 and 1714.3.

Under **Welfare and Institutions Code section 730.7(a)**

- Parent’s or guardian’s inability to pay is considered
- The parent or guardian has the burden of showing an inability to pay
- The court may consider parent’s or guardian’s present income and future earning capacity
- This section does not apply to foster parents

Under **Welfare and Institutions Code section 729.5(b)**, prior to the hearing, the parent or guardian must be given notice that they may be held liable.

Juvenile Restitution Statutes

Welf. & Inst. Code §729 Restitution for Victim of Battery on School Property

Welf. & Inst. Code §729.1 Restitution for Crime on Public Transit

Welf. & Inst. Code §729.5 Notice to Parents or Guardians

Welf. & Inst. Code §729.7 Performance of Service Contract Between Victim and Minor

Welf. & Inst. Code §730.6 Restitution Fines, Orders, Hearings, and Condition of Probation

Welf. & Inst. Code §730.7 Joint and Several Liability of Parents