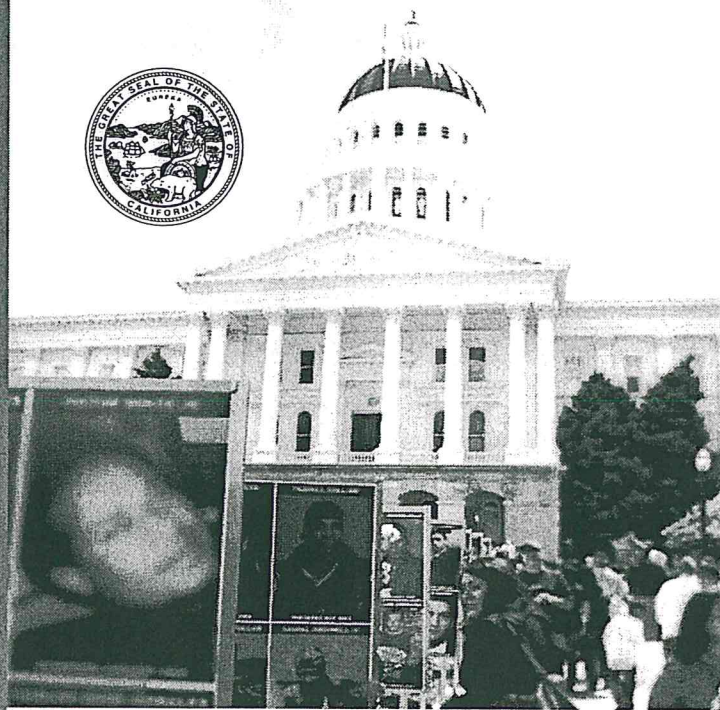


Your Restitution Responsibilities

A Guide for Adult
& Juvenile Offenders



A Publication of CalVCP and CDCR's Office
of Victim and Survivor Rights and Services

www.calvcp.ca.gov | www.cdcr.ca.gov

Your Restitution Responsibilities

The California Victim Compensation Program (CalVCP) 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, CalVCP helps victims of violent crime pay for crime-related bills and is funded by restitution fines.

What is restitution?

Restitution is your repayment to cover financial losses caused by your criminal activity. Restitution is ordered at the time of your sentencing and is read aloud in court along with your sentence. **There are two main types of restitution: orders and fines.** 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, your fine amount doubles since you will then have to pay the parole or probation revocation fine which is equal to the original fine amount.

What is a restitution order?

The court issues a restitution order for crime-related losses, which can include: stolen cash or property, medical bills, car repair bills, funeral 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. 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 that restitution will be determined at a later date. Once the victim determines his/her 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 costs.

Is a restitution order a life-long debt?

Yes. A restitution order does not go away until it is paid. You will still owe restitution even if you declare bankruptcy. Any unpaid restitution will be sent to the Franchise Tax Board 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 Program (CalVCP) has already paid for the victim's losses, the judge will order you to repay CalVCP to cover the cost of the expenses. CalVCP uses this money to help other victims.

What is a restitution fine?

A restitution fine is your debt to society and covers expenses to the State of California as a result of crime. The fine is part of your rehabilitation. State law requires all offenders to pay a restitution fine. When you are sentenced, the judge will 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 \$140 and a maximum of \$1,000
- Adult felony convictions - a minimum of \$280 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 being considered, 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 Restitution Fund, an important funding source for CalVCP. CalVCP helps victims of violent crimes to pay for bills that result from crime, including: medical, dental, mental health treatment, funeral/burial, income or support loss. CalVCP can also provide financial assistance to the family members of crime victims.

How do I pay my restitution order and fines?

How you pay your restitution may vary depending on the county where your crime was committed and/or depending on the type of crime. Restitution may be collected by one of these departments or agencies:

- Court
- Probation Dept.
- County Revenue Depts.
- Collection agencies
- Parole officers
- Local jail or juvenile hall
- Franchise Tax Board
- California Department of Corrections and Rehabilitation (CDCR)
- CDCR Division of Juvenile Justice
- Victim Compensation and Government Claims Board (which governs CalVCP)

What if I am placed on probation?

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

What if I am sentenced to prison?

California Department of Corrections and Rehabilitation (CDCR) will collect restitution payments. Each month, they will take up to 50% of your prison bank account deposits (also called your trust account deposits) to pay your restitution. Collection may also involve garnishing any wages that you may earn.

CDCR collects a 10% administration fee on restitution collections; however, you can avoid these fees by making a voluntary payment. You or your family may make voluntary restitution payments at any time. Make sure your CDCR number is included with the payment and states that it is "for restitution only."

The parole board may look at your restitution payment history when making decisions.

I was in state prison and was released to Post-Release Community Supervision at the county level. How do I make payments toward my restitution obligations?

Payments can be made toward the restitution obligations that were part of your state prison sentence 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# on any payments made to the CDCR Trust Accounting office.

CDCR Trust Accounting

P.O. Box 276088

Sacramento, CA 95827

You may also send money electronically through one of the following companies: Jpay (www.jpay.com); Access Secure Deposits (www.inmatedeposits.com); Western Union (www.westernunion.com)

Can I just send payments to the probation department/probation officer at the county now that I'm on Post-Release Community Supervision?

No. Payments cannot be made to the county where you are currently being supervised because CDCR still has the authority to collect on any restitution obligations that were a part of your prison sentence.

Will CDCR refer my case to the Franchise Tax Board for collection even if I am making voluntary payments?

Yes. CDCR refers all cases with restitution orders to the Franchise Tax Board (FTB) for collection after the offender is released from prison. Restitution *fines* are sent to the FTB by CalVCP. However, any voluntary payments made toward your restitution obligations will reduce the amount you owe once your case is referred to the FTB. By paying before your case goes to FTB, you can avoid paying an additional 15% processing fee.

Who do I call to find out how much restitution I owe and whether it has been sent to the Franchise Tax Board yet?

You can contact CDCR's Office of Victim and Survivor Rights and Services at 877-256-6877 and ask to speak to an adult restitution analyst for balance information and to find out the current status of your restitution obligations.

Although there is currently no specific time line for referral of cases to the FTB, you can expect your case to be referred within 90 days of your release from a CDCR facility.

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, 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 will not receive an honorable discharge from the Division of Juvenile Justice. 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 will be referred to the Franchise Tax Board 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.

For more information, call the CDCR Office of Victim and Survivor Rights and Services at 877.256.OVSS (6877).

Additional Information for Juvenile Offenders

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 is 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 now, the judge will consider the parents' or guardians' future earning potential.

What if I am sent to the CDCR Division of Juvenile Justice?

If you are sent to a Division of Juvenile Justice institution, there are four ways you can pay your restitution:

- You or your family may make voluntary payments at any time. If you make voluntary payments, you will avoid administrative fees.
- If you are employed with the Free Venture Program, 15% of your wages will automatically go toward paying off your restitution.
- 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.

For more information about how to
pay your restitution, contact:



**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 | www.cdcr.ca.gov/victims

ovssinet@cdcr.ca.gov

Cal VCP

Helping California Crime Victims Since 1965

**California Victim
Compensation Program**

P.O. Box 3036
Sacramento, California 95812-3036

800-777-9229 | www.calvcp.ca.gov

restitution@vcgcb.ca.gov

**Hearing impaired/TTY: Please dial
the California Relay Service at 711.**