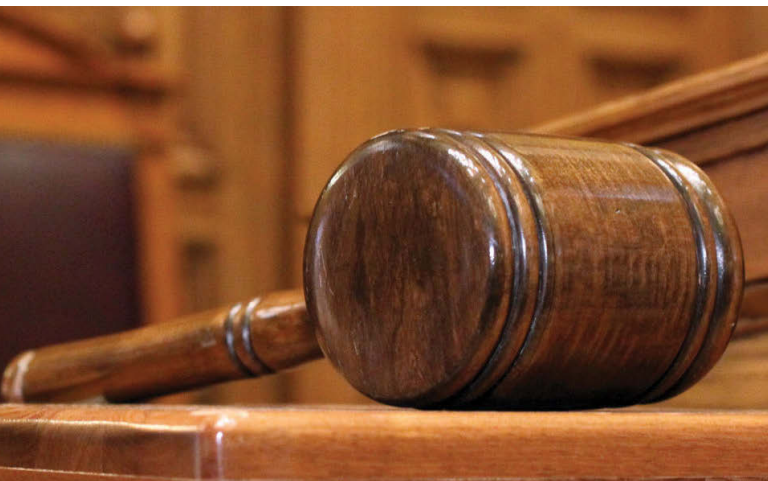




An Offender's Guide to Restitution Responsibilities

For Adults and Juveniles





The California Department of Corrections and Rehabilitation (CDCR) created this guide to help offenders navigate the process of understanding and paying their court ordered restitution.

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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, or at a future court date if restitution has not been determined yet. There are two types of restitution: victims restitution orders and county 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 or you are violated, you will also have to pay the parole or probation revocation fine that is equal to the original fine amount per Penal Code Section 1202.45

WHAT IS A RESTITUTION ORDER?

A restitution order is issued by the court for crime-related losses that may include but are not limited to: property loss medical bills, funeral and burial expenses or other costs. Penal Code section 1202.4 gives the court the authority to award restitution to victims and requires you to pay the full amount of their economic out-of-pocket loss. There is no maximum amount for this type of restitution.

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 to be reimbursed, the judge will order you to pay that amount. In addition, you may also be responsible for the expenses of the victim's family, as long as the expenses are related to the crime.



WHAT IS A RESTITUTION FINE?

A restitution fine is your debt to society for your criminal behavior. 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 when the crime was committed 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

IS A RESTITUTION ORDER A LIFE-LONG DEBT?

Yes, a victim restitution order does not go away until it is paid. You will still owe restitution even if you declare bankruptcy or discharge from parole. After you leave CDCR, any unpaid restitution balance will be sent to the California Franchise Tax Board (FTB) for collection.

HOW DO I PAY MY RESTITUTION ORDERS AND FINES?

This 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 the following departments or agencies:

- Court
- Probation Department
- County Revenue Departments
- FTB
- CDCR
- California Victims Compensation Board (CalVCB)

WHERE DOES THE MONEY FROM THE RESTITUTION FINE GO?

The money you pay toward a restitution fine goes into the State of California's Restitution Fund, an important funding source for the CalVCB. CalVCB helps victims of violent crime pay for bills that result from the crime.



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?

If you are sentenced to prison, CDCR will collect restitution payments. CDCR will garnish 50 percent of any 'non-exempt' deposits made to your prison trust account, including money sent in by family or friends or wages earned while you are in prison.

CDCR collects a 10 percent administration fee on all restitution collections

If you want to send direct voluntary payments to CDCR for your restitution obligations while you are in prison, CDCR will provide a courtesy waiver of the 10 percent administrative fee. Make sure your CDCR number and name are included with the payment and states "restitution only".

The Board of Parole Hearings (BPH) looks at many aspects of an offender's history in determining parole suitability. BPH may review your restitution payment history as part of its determination.

AFTER I AM RELEASED FROM PRISON, HOW DO I MAKE PAYMENTS TOWARD MY RESTITUTION OBLIGATIONS?

Payments can be made toward the restitution obligations by sending a check, cashier's check or money order to CDCR at the address provided below. It is very important to note your CDCR number and name on any payments made to the CDCR Trust Accounting office.

CDCR Trust Accounting

P.O. Box 276088

Sacramento, CA 95827

All checks are held for 30 days from the date they are cashed. It takes 40-45 days to post to your account after it is mailed.

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 Section 2085.6. However, at this time, not all counties are actively pursuing collection. 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.

If you have questions on payments, contact CDCR at 877-256-6877.

WILL CDCR REFER MY CASE TO FTB FOR COLLECTION EVEN IF I AM MAKING VOLUNTARY PAYMENTS?

Yes, CDCR refers all cases with outstanding balances of victim 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. You can avoid paying an additional 15 percent processing fee by paying your restitution before your case is referred over to FTB.

WHO DO I CALL TO FIND OUT HOW MUCH RESTITUTION I OWE AND WHETHER IT HAS BEEN SENT TO FTB FOR COLLECTION?

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

You can also contact FTB directly at (916) 845-4064 or visit FTB's Court Ordered Debt webpage to setup a payment plan https://www.ftb.ca.gov/online/Court_Ordered_Debt/

If you have received a Demand for Payment letter from FTB, you will need to contact the FTB and set up a payment plan. **FAILURE TO DO SO COULD RESULT IN WAGE GARNISHMENT OR FTB COULD LEVY YOUR BANK ACCOUNT.**

CDCR refers all cases which meet parameters with outstanding unpaid 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.
- Not paying your restitution in full may affect your ability to seal your juvenile record.

WHAT IF I AM CURRENTLY ON PAROLE AND WANT TO MOVE OUT OF THE STATE OF CALIFORNIA?

Per Penal Code section 11177.2 you must pay all outstanding restitution fines and orders before you are allowed to leave the state. For more information, call CDCR's OVSRS at **877-256-6877**. Once you have a zero balance, please have your Parole Agent request a Statement of Restitution Obligation from the Office of Victim and Survivor Rights and Services, Restitution Unit.

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 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 three 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, 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.





Questions? Contact Us!

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