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THIRD READING

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Bill No: AB 1213  
Author: Stefani (D)  
Amended: 7/3/25 in Senate  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/10/25  
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 76-0, 5/1/25 (Consent) - See last page for vote

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**SUBJECT:** Restitution: priority

**SOURCE:** San Francisco District Attorney

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**DIGEST:** This bill clarifies that an order for victim restitution has priority over all other fines and fees associated with a criminal conviction and shall be paid first.

*Senate Floor Amendments* specify within the restitution statute that victim restitution is to be paid first.

**ANALYSIS:**

Existing law:

- 1) States that it is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer. (California Constitution (Cal. Const.), art. I, § 28, subd. (b)(13)(A).)
- 2) Provides that restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss. (Cal. Const., art. I, § 28, subd. (b)(13)(B).)

- 3) Requires the court to order the defendant to pay victim restitution in every case in which a victim has suffered an economic loss as a result of the defendant's conduct. (Penal (Pen.) Code, § 1202, subd. (f).)
- 4) Prohibits consideration of a defendant's inability to pay in determining the amount of a restitution order. (Pen. Code § 1202.4, subd. (g).)
- 5) Authorizes the victim to enforce the restitution order as a civil judgment. (Pen. Code, § 1202.4, subd. (i).)
- 6) Provides that in determining the amount and manner of disbursement under an order made pursuant to the Penal Code requiring a defendant to make reparation or restitution to a victim of a crime, to pay any cost of jail or other confinement, or to pay any other reimbursable costs, the court, after determining the amount of any fine and penalty assessments, and a county financial evaluation officer when making a financial evaluation, shall first determine the amount of restitution to be ordered paid to any victim, and shall determine the amount of the other reimbursable costs. (Pen. Code, § 1203.1d, subd. (a).)
- 7) States that with respect to installment payments and amounts collected by the Franchise Tax Board the board of supervisors shall provide that disbursements be made in the following order of priority:
  - a) Restitution ordered to, or on behalf of, the victim pursuant to subdivision (f) of Section 1202.4.
  - b) The state surcharge ordered pursuant to Section 1465.7.
  - c) Any fines, penalty assessments, and restitution fines ordered pursuant to subdivision (b) of Section 1202.4. Payment of each of these items shall be made on a proportional basis.
  - d) Any other reimbursable costs.
- 8) Requires the California Department of Corrections and Rehabilitation (CDCR) to deduct a percent of an incarcerated person's wages and monies in their trust account if they owe a restitution fine or a restitution order, and requires the department to collect the restitution order first in the event the person owes both. (Pen. Code, § 2085.5, subds. (a), (c), & (g).)
- 9) Authorizes, when a person is serving a sentence in the county jail, the agency designated by the board of supervisors to deduct from the incarcerated person's

wages and trust account if they owe a restitution fine or a restitution order, and requires the agency to collect the restitution order first in the event the person owes both. (Pen. Code, § 2085.5, subds. (b), (d), & (h).)

- 10) Authorizes collection of victim restitution and the restitution fine from a parolee and provides that the restitution order may be collected first. (Pen. Code, § 2085.5, subds. (e), (f), & (i).)
- 11) Authorizes the collection of victim restitution and the restitution fine from an individual on post-release community supervision, and provides that if the county elects to collect these, then the restitution order shall be collected before the restitution fine. (Pen. Code, § 2085.6, subds. (a), (b), & (d).)

This bill:

- 1) Clarifies that a victim restitution order shall be paid before all fines, restitution fines, penalty assessments, and other fees imposed on a criminal defendant.
- 2) States legislative intent that no other debt owed by a criminal defendant be satisfied before victim restitution is satisfied first.
- 3) Names these provisions the Restitution First Act.

## Comments

*Prioritization of Court Ordered Debt.* Several existing statutes prioritize the order in which delinquent court-ordered debt received is to be satisfied. For example, Penal Code section 1203.1d directs the Franchise Tax Board to disburse monies in the following order of priority: 1) victim restitution, 2) state surcharge, 3) restitution fines, penalty assessments, and other fines, with payments made on a proportional basis to the total amount levied for all of these items, and, 4) state/county/city reimbursements, and special revenue items. (See Pen. Code, § 1203.1d.) Similarly, Penal Code section 2085.5 directs CDCR to first collect victim restitution before collecting a restitution fine from an incarcerated person's wages or trust account. The same is true for individuals serving a sentence in county jail pursuant to Criminal Justice Realignment. (Pen. Code, § 2085.5.)

Consistent with these existing mandates regarding the manner of disbursements, this bill specifies within the restitution statute itself that a victim restitution order shall be paid before all fines, restitution fines, penalty assessments, and other fees imposed on a criminal defendant.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:** (Verified 7/1/25)

San Francisco District Attorney Brooke Jenkins (source)  
California District Attorneys Association  
California Police Chiefs Association  
Chief Probation Officers' of California

**OPPOSITION:** (Verified 7/1/25)

None received

**ARGUMENTS IN SUPPORT:**

According to the San Francisco District Attorney's Office, the sponsor of this bill:

AB 1213 will carry our Constitution's command into effect and ensure that victim restitution orders will receive priority in payment from a convicted defendant.

Our Constitution guarantees a victim of a crime the right to restitution. (Cal. Const., art. I, § 28(b)(13).) And the Constitution further provides that "All monetary payments, monies, and properties collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim." (Cal. Const., Art. I, § 28(b)(13)(C).) While in practice victim restitution has always had priority (see e.g., *People v. Mozes* (2011) 192 Cal.App.4th 1124), no statute carries that constitutional command into effect. AB 1213 does just that by amending Penal Code section 1202.4 to clarify that a victim restitution order has priority over all other fines, fees, and penalty assessments imposed as part of a criminal conviction.

Receiving restitution is an essential component to victims of crime being made whole after a crime is committed. By ensuring that such orders are satisfied first, victims of crime will begin to heal from the trauma that a defendant inflicted upon them. And, conversely, an incarcerated defendant, who has paid off their restitution order will not be surprised upon their release to learn of an unpaid restitution order.

ASSEMBLY FLOOR: 76-0, 5/1/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Chen, McKinnor, Papan

Prepared by: Sandy Uribe / PUB. S. /

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\*\*\*\* END \*\*\*\*