

## CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 1213 Author:(Stefani)

As Amended Ver:July 3, 2025

Majority vote

**SUMMARY**

Clarifies a restitution order be paid before all fines, restitution fines, penalty assessments, and other fees on a criminal defendant, as specified.

**Senate Amendments**

Makes technical, non-substantive changes.

**COMMENTS**

*As passed by the Assembly:* This bill clarified a restitution order be paid before all fines, restitution fines, penalty assessments, and other fees on a criminal defendant, as specified.

**According to the Author**

"California's Constitution enshrines the rights of victims of crime in California. Among those is the right to receive restitution and 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. However, our Penal Code has yet to carry that constitutional command into practice.

"AB 1213 will make clear that victims in California remain at the forefront of our consideration and will statutorily mandate that victim restitution orders have priority over any fines, fees, or penalty assessments imposed in conjunction with a criminal conviction. While restitution cannot undue the harm a victim has suffered, it is often the first step in a victim's healing journey. This bill will carry our Constitution's command into effect and places a victim's restitution order first in priority for satisfaction."

**Arguments in Support**

According to the *Office of the San Francisco County District Attorney*: "Our Constitution guarantees a victim of a crime the right to restitution. (Cal. Const., art. I, Section 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, Section 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. Through work with incarcerated men at San Quentin Rehabilitation Center's Civic Engagement Group, this proposal was identified as a critical gap in services for victims of crime. While restitution cannot undo the harm a victim suffered, it is an

important step in ensuring that the victim is made whole and their constitutional rights are honored. The incarcerated men identified this issue as a top legislative priority for them because of its direct impact on victims of crime and on their ability to successfully reenter the community. Ensuring timely restitution payments benefits victims of crime and is a smart, common-sense, prison reform that improves community re-entry opportunities for incarcerated people. Paying restitution is not optional; it is mandated and part of the court-imposed sentence people convicted of a crime must complete to successfully move past their crime and reenter the community."

### **Arguments in Opposition**

None submitted.

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, "No significant state costs."

### **VOTES:**

#### **ASM PUBLIC SAFETY: 9-0-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

#### **ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

#### **ASSEMBLY FLOOR: 76-0-3**

**YES:** 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

**ABS, ABST OR NV:** Chen, McKinnor, Papan

#### **SENATE FLOOR: 40-0-0**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

### **UPDATED**

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