



PRISON LAW OFFICE

General Delivery, San Quentin, CA 94964-0001
Telephone (510) 280-2621 • Fax (510) 280-2704
www.prisonlaw.com

Your Responsibility When Using the Information Provided Below:

When we wrote this Informational Material we did our best to give you useful and accurate information because we know that people in prison and jail often have difficulty obtaining legal information and we cannot provide specific advice to everyone who requests it. The laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

RESTITUTION, FEES, & FINES INFORMATION FOR PEOPLE IN CALIFORNIA PRISONS AND JAILS

revised October 2024

We received your request for information or assistance concerning your criminal case direct restitution, restitution fine, and/or other fines and fees. We apologize for this form letter response, and we hope that it helps answer your questions.

Under California Law, there are many different types of restitution, fines, and fees that courts can require people to pay as part of a criminal sentence. Some of the most common are:

- direct restitution (Penal Code § 1202.4(f))
- restitution fine (Penal Code § 1202.4(b))
- parole revocation restitution fine (Penal Code § 1202.45)
- probation revocation restitution fine (Penal Code § 1202.44).

The California Department of Corrections and Rehabilitation (CDCR) and county jails can collect 50 percent of your prison wages and trust account deposits to pay your direct restitution and restitution fines. (Penal Code § 2085.5(a)-(d), (g)-(h); see also Cal. Code Regs, tit. 15, § 3097(a), (c)-(d).) If you have a death sentence, the amount that can be taken is different – up to 70% of wages or deposits can be collected, but you will not be required to pay restitution fines while your case is still on direct appeal. (Cal. Code Regs, tit. 15, § 3097(b).) The state or county can continue to collect money owed for direct restitution or restitution fines while you are on parole, post-release community supervision (PRCS), mandatory supervision, or probation, and after you are discharged from custody. (Penal Code § 1202.42, § 2085.5(e)-(f), (i). § 2085.6, § 2085.7.)

CDCR cannot take some types of deposits to pay direct restitution or a restitution fine – funds sent to pay for family visits or community leave, Joint Venture Program deposits, federal disability payments, veterans' benefits payments, and reimbursements for lost or damaged property or undeliverable purchase orders. (Cal. Code Regs, tit. 15, § 3097(g).)

In the past few years, there have been several changes to the laws about restitution fines and fees. Here are the main changes:

- **Assembly Bill 1186** – Effective January 1, 2025, any remaining amount you owe on a Penal Code § 1202.4(b) restitution fine cannot be collected once 10 years have passed since the date the court ordered you to pay the restitution fine as part of your sentence. (New Penal Code § 1465.9(c).) **Important:** This change does not affect Penal Code § 1202.4(f) *direct restitution* orders to pay certain amounts to named victims; if you owe direct restitution, that debt is not eliminated after 10 years and remains in effect until you fully pay it off.
- **Assembly Bill 177** – Effective January 1, 2022, some types of fees were eliminated and can no longer be collected. In particular, AB 177 eliminated the administrative fees that CDCR and county officials used to charge to cover the costs of collecting direct restitution and restitution fines from people in prison or jail. An information sheet attached to this letter lists the fees eliminated by AB 177.
- **Assembly Bill 1869** – Effective July 1, 2021, some types of fees were eliminated and can no longer be collected. An information sheet attached to this letter lists the fees eliminated by AB 1869.

If you have any of the eliminated or uncollectible restitution fines or fees as part of your sentence, you do not need to take any action. Any unpaid amounts and/or interest you owe should automatically be written off and no longer collected in accord with the new laws. If your case is still on appeal or is reopened for resentencing, the court of appeal should take the extra step of modifying your sentencing papers to vacate the remainder of restitution fines or fees that you are no longer required to pay. However, you cannot get back any money you already paid before the new laws went into effect. (See *People v. Clark* (2021) 67 Cal.App.5th 248; *People v. Lopez-Vinck* (2021) 68 Cal.App.5th 945; *People v. Greeley* (2021) 70 Cal.App.5th 609.)

If you have questions or concerns about the fines and fees in your case, an information sheet attached to this letter lists contact information for organizations that may be able to help you. You can also try contacting your criminal case attorney or criminal appeal attorney to see if they can provide you with information or assistance.

attached: info on AB 1869 and AB 177, resource list

List of Repealed Criminal Case Fees AB 1869

Code Section	Fee Type
Cal. Gov. Code § 27712	Cost of counsel
Cal. Gov. Code § 27753	Cost of counsel
Cal. Gov. Code § 29550	(c) CJ Admin fee associated with arrest
	(f) Admin screening for those arrested, OR, or upon conviction
Cal. Gov. Code § 29550.1	CJ Admin fee associated with arrest
Cal. Gov. Code § 29550.2	Arrest and booking county jail
Cal. Gov. Code § 29550.3	Arrest and booking city jail
Cal. Pen. Code § 987.4	Cost of counsel for minor in criminal court
Cal. Pen. Code § 987.5	Registration counsel fee
Cal. Pen. Code § 987.8	Cost of counsel
Cal. Pen. Code § 987.81	Cost of counsel
Cal Pen. Code § 1203	Interstate compact supervision
Cal. Pen. Code § 1203.016	Home detention
Cal. Pen. Code § 1203.018	EM in lieu of bail or jail
Cal. Pen. Code § 1203.1b	Probation supervision, investigation report, jurisdictional transfer
	Installment processing
Cal. Pen. Code § 1203.1e	Parole supervision
Cal. Pen. Code § 1208.2	Work furlough, home detention, county parole
	Work furlough administration
Cal. Pen. Code § 1210.15	EM as probation condition
Cal. Pen. Code § 3010.08	EM supervision for parolees
Cal. Pen. Code § 4024.2	Voluntary work release program
Cal. Pen. Code § 6266	Work furlough program

List of Fees Eliminated by AB 177

Relevant Code Section	Description of Fee Eliminated	Relevant Section of AB 177
Pen. Code, § 1001.15	Related to enrollment in felony diversion program; eliminates administrative fees related to payment of criminalistics laboratory analysis, application for diversion, and cost of supervising diversion.	AB 177, §§ 15
Pen. Code, § 1001.16	Related to enrollment in misdemeanor diversion; eliminates administrative fees related to criminalistics laboratory analysis, application for diversion, and supervising diversion.	AB 177, § 16
Pen. Code, § 1001.90	Eliminates administrative fee to cover the costs of collection of a diversion restitution fine (former § 1001.90, subds. (g) & (h)). A diversion restitution fine may still be imposed.	AB 177, §§ 17, 18
Pen. Code, § 1202.4	Eliminates administrative fee to cover the costs of collecting a restitution fine (former § 1202.4, subd. (l)).	AB 177, §§ 19, 20
Pen. Code, § 1203.1, subd. (l)	Eliminates administrative fee related to collection of victim restitution ordered as condition of probation (former § 1203.1, subd. (l)).	AB 177, §§ 21, 22
Pen. Code, § 1203.1ab	Eliminates fee related to cost of drug testing ordered as condition of probation.	AB 177, §§ 23, 24
Pen. Code, § 1203.1c	Eliminates fee to cover costs of incarceration in county jail, city jail, or local detention facility.	AB 177, § 25
Pen. Code, § 1203.1m	Eliminates fee to cover costs of imprisonment in state prison.	AB 177, § 26
Pen. Code, § 1203.4a	Eliminates application fee for petition of dismissal of misdemeanor or infraction after 1 year (former subd. (e)).	AB 177, §§ 27, 28
Pen. Code, § 1203.9	<p>Eliminates provision in former subdivision (d)(2) allowing the receiving court and county probation department to impose additional local fees after an individual's probation or mandatory supervision is transferred to a different county.</p> <p>The new subdivision (d)(2) provides: "The receiving court and county probation department shall not impose additional local fees and costs."</p> <p>Also prohibits the receiving county from charging administrative fees for collections performed for the transferring county (subd. (e)(1)).</p>	AB 177, §§ 29, 30
Pen. Code, § 1205	Eliminates administrative fees for the processing of both installment accounts and non-installment accounts (former subd. (e)).	AB 177, §§ 31, 32

List of Fees Eliminated by AB 177 (continued)

Pen. Code, § 1214.5	Eliminates collection of interest on unpaid restitution when restitution imposed as a condition of probation.	AB 177, § 33
Pen. Code, § 1463.07	Eliminates administrative screening fee when individual released on own recognizance; eliminates citation processing fee.	AB 177, § 34
Pen. Code, § 2085.5	Eliminates administrative fee to cover the cost of collecting restitution fines and orders from people incarcerated state prison, people incarcerated in county jail pursuant to section 1170, subd. (h), and parolees (former § 2085.5, subds. (e), (f), (i)).	AB 177, §§ 36, 37
Pen. Code, § 2085.6	Eliminates administrative fee imposed by county on individuals subject to PRCS or mandatory supervision to cover costs of collecting restitution fines and orders (former § 2085.6, subd. (d)).	AB 177, §§ 38, 39
Pen. Code, § 2085.7	Eliminates administrative fee related to collection of restitution fine and orders from individuals released from county jail after completion of term pursuant to section 1170, subd. (h)(5)(A) (former § 2085.7, subd. (d)).	AB 177, §§ 40, 41
Veh. Code, § 40508.5	Eliminates assessment on individuals who fail to appear following arrest for a violation of the Vehicle Code or local traffic ordinance.	AB 177, § 42
Veh. Code, § 40510.5	Eliminates collection of processing fee on installment accounts related to Vehicle Code infractions (former § 40510.5, subd. (g)).	AB 177, §§ 43, 44

LIST OF SERVICE PROVIDERS



Root & Rebound Hotline (Statewide, Fridays 9-5 PT)

- Phone: (510) 279-4662

East Bay Community Law Center (Alameda County)

- Main Desk: (510) 548-4040
- Clean Slate Information Line: (510) 296-6696

Lawyer's Committee for Civil Rights of the SF Bay Area (Bay Area)

- Phone: (415) 543-9444

Legal Services for Northern California (Northern California)

- Phone: (866) 815-5990

For a more comprehensive list of service providers please visit:

<https://ebclc.org/cadebtjustice/resources/>

Interested in joining the fight to end all fees in the criminal system, go to:

<https://ebclc.org/cadebtjustice/about/>



@CaDebtJustice



@CaDebtJustice



@cadebtjustice