



SUMMARY

AB 1186 modifies and enhances California’s current youth restitution system, so it may effectively provide survivors with more equitable, timely, and stable compensation.

BACKGROUND

California’s current youth restitution system is not working. It fails to live up to its goals of ensuring victims receive what they need, when they need it, to heal and move forward. Instead, it harms both survivors and young people. Each year, California counties order restitution from thousands of young people to be paid to crime survivors based on the loss suffered or harm endured. However, minors are functionally indigent as they are too young to work, have academic obligations, and are legally restricted from establishing any earning capacity. As such, minors ordered to pay restitution and their parents, who are held jointly and severally liable, are often unable to pay these orders. Research shows only 21% of the ordered youth restitution is collected each year. The young people that cycle through the juvenile legal system are mostly Black and brown, and mostly come from low-income families.

This system not only fails to adequately compensate survivors, it is actively causing further harm in the communities where survivors live. Because most young people cannot pay their orders, survivors typically receive delayed or no compensation for the harm or losses endured. Reliance on revenue from youth and their families is such an inconsistent revenue source, one study found that as few as 4% of survivors received any form of restitution payment. Furthermore, since victims and survivors often live in the same communities, the stress of having to pay an unattainable debt impacts a community as a whole. In order to avoid debt, a young person or their family is often forced to forego basic necessities in order to pay. This type of concentrated toxic stress further marginalizes Black and brown neighborhoods.

This inability to pay restitution results in the accumulation of insurmountable debt and lasting harm for young people and their families. Debt from restitution never expires and cannot be discharged in bankruptcy proceedings. Many young people who are

ordered to pay restitution enter adulthood with a debt that threatens their economic security.

Finally, collecting restitution is costly and inefficient for counties. Counties waste millions on collection efforts, spending an estimated \$0.66 to collect each dollar, while recovering only 21% of overall restitution ordered to young people.

EXISTING LAW

Under the Welfare and Institutions Code § 730.6, a juvenile court can order restitution to a victim of a crime who has incurred any economic loss as a result of the commission of a crime or the conduct of a minor found in violation of the law. In addition, WIC § 730.6 gives the court discretion to find that there are compelling and extraordinary reasons to not order restitution, in which case the court may order the young person to perform community service. There is no limit as to how much a court can order for restitution and the minor’s ability to pay cannot be taken into consideration.

PROBLEM

While California’s youth restitution system is intended to help survivors address economic loss, it relies on the discretion of a court system tainted by racial bias to procure resources that young people simply do not have. This ineffective costly system harms young people and their families, while failing to address the needs of survivors. The current system also fails to center community healing.

SOLUTION

AB 1186, the Realizing Equity while Promoting Accountability and Impactful Relief (REPAIR) Act removes the statutory authority of courts to order restitution to youth and their families, alleviating the harm done to young people and their families by California’s current youth restitution system. To hold youth accountable, adequately address harm, and facilitate healing, young people will instead participate in restorative justice programs, community service or other employment, skill-building or mental health programs. AB 1186 will also ensure survivors now receive adequate and timely compensation for economic loss incurred by seeking compensation through CalVCB.

SUPPORT

- Debt Free Justice California (Sponsor)
- All of Us or None - Legal Services of Prisoners with Children
- Alliance for Boys and Men of color
- Alliance for Children's Rights
- Anti-Recidivism Coalition
- California Alliance for Youth and Community Justice
- California Catholic Conference
- Californians for Safety and Justice
- California Public Defenders Association (CPDA)
- Californians United for a Responsible Budget
- Care First California
- Center on Juvenile and Criminal Justice
- Ceres Policy Research
- Children's Defense Fund-California
- City and County of San Francisco
- Communities United for Restorative Youth Justice
- Community Legal Services in East Palo Alto
- Community Works
- Debt Collective
- Dignity and Power Now
- East Bay Community Law Center
- Ella Baker Center for Human Rights
- Freedom 4 Youth
- Fresh Lifelines for Youth
- Fresno Barrios Unidos
- Friends Committee on Legislation of California
- Initiate Justice
- Justice2Jobs Coalition
- La Defensa
- Lawyers Committee for Civil Rights of the San Francisco Bay Area
- Legal Services for Prisoners with Children
- Motivating Individual Leadership for Public Advancement (MILPA)
- National Association of Social Workers, California Chapter
- National Consumer Law Center, Inc.
- Pacific Juvenile Defender Center
- Prosecutors Alliance California
- Returning Home Foundation
- Root and Rebound
- RYSE Youth Center
- Safe Return Project
- San Francisco DA Brooke Jenkins
- San Francisco Financial Justice Project
- San Francisco Public Defender's Office
- San Francisco Treasurer José Cisneros
- Santa Cruz Barrios Unidos, Inc.
- Showing up for Racial Justice Bay (SURJ) Area
- Sister Warriors Freedom Coalition
- Smart Justice California
- The Collective Healing and Transformation Project
- The Maven Collaborative
- The Unity Council
- The W. Hayward Burns Institute
- UC Berkeley's Underground Scholars Initiative (USI)
- Underground Grit
- United CORE Alliance
- Western Center on Law and Poverty
- Young Women's Freedom Center

FOR MORE INFORMATION

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