



Debt Free Justice California



THE FINANCIAL JUSTICE PROJECT
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Governor Signs Legislation Removing Payment of Restitution as Condition for Record Relief

SACRAMENTO, CA -- On September 29th, Governor Gavin Newsom signed Senate Bill 1106 (Fresh Start Act) into law, removing payment of restitution and restitution fines as a condition for record relief. This bill will mitigate the harm of California’s restitution system-- which burdens communities already profoundly affected by incarceration and keeps them indebted to the carceral system--and reduce state costs. Further, this bill also helps crime survivors, as many survivors themselves are impacted by restitution while also increasing the effectiveness of the restitution system writ large.

Our current restitution system is unsustainable and does not adequately support crime survivors, as only 29% of crime survivors in California receive any restitution due to ineligibility, administrative burden, or inability of the person ordered to pay. Many individuals owing restitution cannot pay any amount of the amount ordered, and having a criminal record significantly impacts one’s ability to get employment. These effects fall disproportionately on Black and Brown communities, who are disparately impacted at every stage of the criminal legal system, including in being ordered to pay restitution and restitution fines. Expanding opportunities for record relief to individuals with unpaid restitution is a necessary first step in restoring communities’ economic stability and removing barriers to reintegration that harm survivors and individuals ordered to pay.

“As a law student providing criminal record clearance legal services in the Clean Slate Clinic at East Bay Community Law Center, I was continually turning away clients seeking relief due to the fact that they still owed restitution,” said Danica Rodarmel, an attorney, and consultant at Whole Consulting. “These were people who had met all other conditions imposed on them in their reentry and who were working hard to get into better housing, better employment, and to improve the lives of their families for generations. This was an

unnecessarily punitive policy that did nothing to support the wellbeing of survivors of crime in the state - and I am proud of California for taking this important step.”

California law requires a court to order individuals convicted of a crime to pay full restitution to the survivor and restitution fines to the state. Current law allows courts to deny record relief if the applicant has outstanding restitution or restitution fines and bars incarcerated individuals from being released on parole to another state if they still owe restitution. By removing these barriers, Senate Bill 1106 makes it easier for people to receive record relief so they may fully re-integrate into society.

According to Henry Ortiz, a senior organizer with All of Us or None, “It is nearly impossible to ever pay the amount of restitution that people have and poverty fuels incarceration criminalization and system involvement. We have to stop exploiting poverty with unaffordable restitution debts that limit our success.”

“This is a huge moment for anyone who has served their time and is looking to start over fresh,” said bill author Senator Scott Wiener. “Now, outstanding restitution debt won’t be a barrier to getting one’s record cleared. Formerly incarcerated people will be able to more easily access housing and jobs, which will ultimately help them pay off this debt. Thank you, Governor Newsom, for seeing the value of a fresh start.”

Additionally, as part of the 2022-2023 State Budget, the Legislature included eliminating the restitution fine on a list of priorities to address in the 2024-2025 budget, contingent upon future legislation, including future budget appropriations. Debt Free Justice California (DFJC) strongly supports providing more stable and equitable funding for victim compensation, shifting the responsibility of paying crime survivors to the state of California instead of those burdened by incarceration.

While the passage of SB 1106 and the forthcoming elimination of restitution fines serve as steps toward mitigating the harmful and counterproductive impacts of restitution, DFJC is committed to transforming our current system of restitution to serve crime survivors better and to support people who have caused harm in pursuing restorative means of accountability. DFJC continues its work to research and document the harms of restitution, including the impacts that such practices have on young people and incarcerated people who experience garnishment of 50% of all wages and money sent in by loved ones to pay restitution.

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DFJC is a multi-regional, California-based coalition focused on stopping the unfair ways the criminal system drains wealth from vulnerable communities. The coalition comprises legal advocates, policy experts, and, most importantly, movement-building organizations led by impacted people. For more information, visit <https://ebclc.org/cadebtjustice/about/>.