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Assemblymember Mia Bonta Introduces Bill to Ensure Reliable Compensation for Crime Survivors, Replace Harmful and Ineffective Youth Restitution System

SACRAMENTO, CA — Today, Assemblymember Mia Bonta (D-Oakland) introduced Assembly Bill 1186, the REPAIR (Realizing Equity while Promoting Accountability and Impactful Relief) Act. The bill will provide crime survivors with more equitable, timely, and stable compensation while setting youth who have caused harm on a more meaningful path towards accountability.

“Our current restitution system is broken. Restitution was meant to make victims whole, but in reality, it’s creating a perpetual cycle of debt, especially for black and brown families,” explained Assemblymember Bonta. “Debt from restitution never expires and cannot be discharged in bankruptcy proceedings. 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. We have ended up with a system where already struggling families cannot afford to pay this debt, leaving victims without the ability to access the resources they need to heal and move on. California is in need of an alternative system that holds young people accountable while placing them and survivors on a more just and economically secure path.”

Our current restitution system fails survivors, youth and their families, and society as a whole.

Currently, California law mandates that judges order all youth who have been found to cause someone to suffer a loss or injury to pay direct monetary compensation, or restitution, to the person their actions harmed. Judges are prohibited from considering the young person’s ability to pay when ordering this compensation.

Often, young people and their families cannot afford to pay restitution and face significant financial burdens from these orders. The inability to pay restitution often creates barriers that prevent young people from moving forward in their lives.

Because most youth cannot afford to pay even small restitution orders, people harmed rarely receive restitution. This is particularly harmful for crime survivors, as they often need immediate compensation and are unable to receive it through the current youth restitution system to be made whole. Public records data received by the Berkeley Law Policy Advocacy Clinic shows that statewide only about 20% of youth restitution ordered since 2010 has been collected, and much of the outstanding debt is years old and unlikely ever to be paid.

“Crime survivors in crisis need immediate help and care, and the current system of restitution is failing to meet our needs,” said Tinish Hollins, executive director of Californians for Safety and Justice. “Wasting valuable time going after resources that a young person and their family simply do not have does nothing to ensure survivors have what they need to heal and in fact only compounds the challenges facing the youth. We can and must do a better job of making sure survivors receive the support and resources they need in a timely manner while also promoting accountability and rehabilitation so we can prevent future crime and harm. We are proud to stand with the Debt Free Just Coalition and Asm. Bonta and are grateful for her unwavering commitment to keeping all of our communities safe.”

Young people who owe restitution often live in poverty, as do crime survivors. Relying on people in poverty—young people or their families—to make crime survivors whole, simply does not work. As a result, this system does more harm than good. Under the current system, **restitution orders are little more than empty promise to survivors.**

The REPAIR ACT creates a solution to this broken system.

The REPAIR Act would ensure the harmed person receives timely payment from the California Victim Compensation Board (CalVCB) while holding young people accountable in youth-appropriate ways that do not involve them paying money they and their families do not have. Instead, they would participate in restorative justice conferences, perform community service, or be connected to job opportunities.

"As a young person who has experienced incarceration, foster care, and trauma, I know what we have to do as youth to try and pay that restitution. In 2018, I received a prestigious award as a Community Champion that came with a \$3,000 cash prize. Real talk: instead of using that money to invest in my leadership, I used it to pay off my restitution," said Xochtil Larios, Youth Justice Coordinator at Communities United for Restorative Youth Justice. "And sadly, I am one of the lucky ones; most youth never pay it off. There needs to be a new way for victims to feel whole again and ending restitution that locks young people like me into poverty."

Establishing a state-financed fund for crime survivors is an idea that is backed by the California Commission on Revision of the Penal Code (CRPC) in their most recent [annual report](#). A wide variety of stakeholders—including crime survivor advocates—weighed in on CRPC's

recommendations, with some sharing that insufficient infrequent “small restitution payments only serve as a reminder of prior victimization and do not provide victims any real financial assistance.” Instead, advocates recommended a “system that allows the government to provide victims the financial assistance they need sooner.”

“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 harm and the needs of survivors. I am excited to work with a diverse coalition to put an end to that practice,” stated Assemblymember Bonta.

If Assembly Bill 1186 passes, California will be the first in the nation to pioneer a public restitution fund to give both crime survivors and young people the support they need to ensure true and sustainable public safety. This reform is paramount to ensure racial and economic equity in California.

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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/>.