

## TYPES OF RESTITUTION

### How can victims of crime be compensated for the financial, emotional, and physical losses they may have suffered?

A crime victim has three ways to seek compensation:

-  A restitution order.
-  The State Restitution Fund.
-  A civil lawsuit.

## CIVIL LAWSUIT FOR DAMAGES

You may be able to sue either the person who committed the crime or another financially responsible party. For example, if the person who committed the crime is a minor, you may sue the minor's parents.

A civil lawsuit for damages may permit you to recover losses that are not covered by a restitution order or the State Restitution Fund.

A civil lawsuit must be filed in a timely manner. For information regarding recovery of damages through a civil lawsuit, you may wish to speak to an attorney. If the amount you are seeking is under \$5,000, you may be able to file an action in small claims court.

*If you need help finding an attorney, call your local County Bar Association for the name of an attorney, or check the Yellow Pages under "Attorneys" for the number of a State Bar-certified lawyer referral service for your area.*

## RESTITUTION ORDERS

### What is a restitution order?

The California Constitution requires the court to order a convicted person to pay restitution to the victim. At the time the convicted person is sentenced, the judge will order him or her to pay you for losses caused by the crime. (Penal Code sections 1202.4 and 1214; Welfare and Institutions Code sections 730.6 and 730.7.)

### What losses and expenses may the court order the convicted person to pay?

The convicted person may be ordered to compensate you for the following types of losses:

-  The value of stolen or damaged property.

-  Medical expenses.
-  Wages or profits lost by the victim or lost by the parents or guardian of a victim who is a minor.
-  Psychological harm and other nonfinancial losses for felony violations of Penal Code section 288 (certain crimes against children).
-  Interest, at the rate of 10 percent per year.
-  Attorney fees and other costs of collection.

### What are a victim's rights and obligations?

You have certain rights and obligations:

-  You have the right to attend and participate in sentencing proceedings.

-  You have the right to obtain a copy of the restitution order from the court.
-  You have the right to enforce a restitution order as a civil judgment. This means you may collect the money ordered by garnishing the defendant's wages or attaching his or her property or other assets.
-  To exercise these rights you must cooperate with the probation officer and district attorney assigned to your case and furnish written proof of your losses and expenses.

**7** For more information, you may contact the victim-witness center at your local district attorney's office or probation department, or call 1-800-VICTIMS, toll free, for a referral to the victim-assistance program in your area.

## THE STATE RESTITUTION FUND

### What is the State Restitution Fund?

The State Restitution Fund was established to assist victims of crime. The money in the fund comes from persons convicted of crimes.

To receive payment from the fund, you must apply within one year of the crime, unless you are a victim under the age of 18. You must also cooperate with law enforcement agencies and provide written proof of your losses and expenses.

### Who is eligible to be paid from the fund?

If you are a California resident, you are eligible if you meet any one of the following criteria:

-  You were the victim of a crime during which you were physically injured or threatened with a physical injury, or
-  You were the parent, sibling, or child of the victim, or
-  You were living in the household of the victim at the time of the crime, or
-  You have lived with the victim for at least two years in a relationship similar to a parent, sibling, spouse, or child, or
-  You were a family member of the victim, including the victim's fiancé(e), AND you witnessed the crime.

If you are not a California resident, you may be paid from the fund if you were a victim of a crime that occurred in California.

### What losses and expenses may be paid by the fund?

If you are eligible, you may be paid for medical or medically related expenses, mental health counseling for the victim and family members, funeral and burial expenses, and loss of income or support. If you have insurance that covers these losses, you cannot receive compensation from the fund until you have exhausted the resources available from the insurance company.

**7** You may obtain a brochure and application for victim compensation from the State Board of Control, Victims of Crime Program, P.O. Box 3036, Sacramento, CA 95812-3036, or call, toll free, 1-800-777-9229.

*This pamphlet summarizes the compensation available to some victims of crime as of January 1, 1997. The law may change. For the most current information on your rights to compensation, help in applying for compensation, and facts on other important victims' rights, contact:*



Information  
on  
**CRIME  
VICTIMS'  
COMPENSATION**

PREPARED BY THE  
JUDICIAL COUNCIL OF CALIFORNIA  
Chief Justice Ronald M. George  
Chair

*Dear fellow citizen:*

*Victims of crime often bear serious economic burdens. Under California law, the court can order a convicted offender to repay his or her victim. If you have been the victim of a crime, you may receive compensation through a restitution order or other legal remedy.*

*This pamphlet was prepared by the Judicial Council of California to help you understand your rights and obligations. I hope you find it informative and helpful.*

*For the most current information on compensation for crime victims, I encourage you to contact your local district attorney's office, probation department, or victim-assistance program.*

*Sincerely,*

  
Ronald M. George  
Chief Justice of California