

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 23, 2008
POSITION: Neutral

BILL NUMBER: AB 2928
AUTHOR: T. Spitzer

BILL SUMMARY: Collections: Amounts Imposed By A Court

When inmates subject to court-ordered restitution payments are released from the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR), this bill would generally require the CDCR to refer any unpaid balances to the Franchise Tax Board (FTB) for collection purposes.

FISCAL SUMMARY

The FTB's Court-Ordered Debt Program is fully funded from amounts collected, with up to 15 percent of total collections reserved for this purpose. We therefore concur with FTB's estimate that any costs associated with this bill would be absorbed from the resultant additional collections.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 3, 2008 version are minor and do not alter our position.

COMMENTS

Finance notes the following regarding this bill:

- The FTB's Court-Ordered Debt Program collects superior court-imposed fines or restitution payments from persons who have failed to abide by their payment obligations. The Program primarily does this by withholding tax refunds, issuing wage garnishments, or attaching bank account balances.

Under current law, the CDCR may refer an inmate's or a parolee's restitution payments to the FTB for collection. Once the term of incarceration or parole ends, however, FTB may no longer collect these restitution payments. This bill would delete this prohibition.

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)			Fund Code
				2008-2009	2009-2010	2010-2011	
1730/FTB	SO	No		----- No/Minor Fiscal Impact -----			0242
<u>Fund Code</u>	<u>Title</u>						
0242	Court Collection Account						

Analyst/Principal (0760) C. Hill	Date	Program Budget Manager Mark Hill	Date
-------------------------------------	------	-------------------------------------	------

Department Deputy Director	Date
----------------------------	------

Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)