

Restitution Matrix

Victim Defined	Statutes	2009 Benchguide with Case Law Citations
Direct Victim	Pen. Code, §§1202.4 Cal. Const Art.1, §28 W & I Code, 730.6 Gov. Code, §§ 13951, 13952, 13955	§§ 83.47, 83.48, 83.49, 83.50
Derivative Victim	Pen. Code, § 1202.4 Gov. Code, §§ 13951, 13952, 13955 W & I Code, § 730.6; Cal. Const Art.1, §28	§§ 83.48, 83.49
State Restitution Fund (Victim Compensation Program)	Gov. Code, §§ 13963, Cal. Const Art.1, §28 , Pen. Code,§ 1202.4	§§ 83.48, 83.72, 83.98

Types of Loss	Statutes	2009 Benchguide with Case Law Citations
Economic	Pen. Code §1202.4	§§ 83.51, 83.52, 83.53, 83.54, 83.55, 83.56, 83.58
Non-Economic & Future	Pen. Code §1202.4	§§ 83.57, 83.59, 83.60, 83.61

Fines	Statutes	2009 Benchguide with Case Law Citations
Restitution	Pen. Code, § 1202.4, 1202.44, 1202.45 W & I Code, § 730.6	§ 83.2, 83.4, 83.5, 83.9, 83.10, 83.28, 83.29
Probation Revocation	Pen. Code § 1202.44	§ 83.6
Parole Revocation	Pen. Code, § 1202.45	§ 83.7
Child Molest Child Abuse	Pen. Code, § 294 Pen. Code § 294	§ 83.8
Minimum Mandatory Fines	Pen. Code, §1202.4 W & I Code, §730.6	§ 83.5, 83.10
Diversions	Pen. Code, §1001.90	§§ 83.27

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Judicial Functions	Statutes	2009 Benchguide with Case Law Citations
Silent Plea Bargain	Pen. Code, § 1202.4	§ 83.12, 83.32,
Victim Restitution Orders	Pen. Code, §1202.4	§§ 83.3, 83.35, 83.68, 83.69
Restitution Order - Specificity and Form	Pen. Code, § 1202.4	§§ 83.68
Delegation	Pen. Code, § 1202.4	§§ 83.70
Correction, Modification, or Amendment of Restitution Order	Pen. Code, §	§§ 83.32, 83.69, 83.74,
Expungement of Conviction; Parole out of State	Pen. Code, §§ 1203.4, 11177.2	§§ 83.71
Proposition 9 – Marsy’s Law	Pen. Code, §1202.4; Cal. Const Art.1, §28	§§ 83.47, 83.65, 83.75
Determination of Amount of Fine	Pen.Code, § 1202,4	§ 83.13, 83.14, 83.15, 83.16, 83.17, 83.18
Defendant’s Ability to Pay Fine / Victim Restitution	Pen. Code, §§ 294, 1202.4 W & I Code, §§ 730.6;742.16	§ 83.46, 83.18
Compelling and Extraordinary Reasons re: Victim Restitution – Void by Passage of Proposition 9	Pen. Code, § 1202.4 Cal. Const Art.1, §28	§ 83.65
Compelling and Extraordinary Reasons re: Restitution Fines – Uncertain in light of Proposition 9	Pen. Code, 1202.4, Cal. Const Art.1, §28	§ 83.20
Seized Funds	Pen. Code §1202.4	§ 83.24, 83.81
Restitution Hearings – Burden of Proof & Procedures	Pen. Code §§ 1202.4 W & I Code, § 730.6	§§ 83.41, 83.42, 83.43, 83.44, 83.45
Harvey Waiver	Pen. Code §1192.3	§ 83.87, 83.88, 83.89
Conditions of Probation	Pen. Code, § 1203 W & I Code, § 730	§§ 83.71, 83.72, 83.84,
Payment Priority	Pen. Code, § 1203.1d Cal. Const Art.1, §28	§ 83.75
Bankruptcy – Defendant & Victim	Pen. Code, § 1202.4	§ 83.34, 83.62
Joint and Several Liability for Victim Restitution Order	Pen. Code §§1202.4 Welf. & Inst. Code §730.6	§§ 83.73, 83.82,
Joint and Several Liability for Restitution Fines	Pen. Code, § 1202.4 Welf. & Inst. Code §730.7	§§ 83.17

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Restitution Issues	Statutes	2009 Benchguide with Case Law Citations
Civil Suit by Victim	Pen. Code §1202.4	§ 83.67
Payment by Insurance Companies	Pen. Code §1202.4	§§ 83.50, 83.63, 83.64, 83.62
Third Parties	Pen. Code §1202.4	§ 83.62
Mandatory Interest on Restitution	Pen. Code § 1202.4	§ 83.59
Offsets	Pen. Code §1202.4	§ 83.63
Collection	Pen. Code, §2085.5; W & I Code, §§ 730.6, 1752.81	§§ 83.76, 83.77, 83.78, 83.79, 83.80, 83.81
Restitution Order Enforceable as a Civil Judgment	Pen. Code §§1202.4, 1214(b); Welf.& Inst. Code §730.6	§ 83.35
Attorney's Fees	Pen. Code §1202.4	§ 83.60