

AB 1186 IMPLEMENTATION

Toolkit for Implementing the Repair Act

California Assembly Bill 1186 (AB 1186), signed into law by Governor Newsom on September 13, 2024, does the following:

- Eliminates prospective youth restitution fines
- Prospectively ends wage and trust account garnishment for youth restitution
- Vacates youth AND adult restitution fine debt older than 10 years
- Clarifies property repair or replacement loss calculations for youth restitution orders
- Prospectively ends joint and several liability for youth co-defendants

AB 1186 goes into effect on January 1, 2025. This toolkit is meant to help public defenders and other legal service providers implement AB 1186, and includes the following resources:



Implementation Checklist: A comprehensive checklist to help legal service providers implement AB 1186.



Impacted Statutes: A technical list of all relevant statutes amended or eliminated by AB 1186.

Additional Information

- Under AB 1186, courts can still order juvenile victim restitution orders
- Parents and guardians are still joint and severally liable with their children for their children's restitution
- Courts still must order **adult** restitution fines
- AB 1186 requires juvenile judges to determine restitution orders for damaged or destroyed property based on the **lesser** cost between property repair and replacement.

AB 1186 IMPLEMENTATION Checklist

Before January 1, 2025

Update External & Internal References

- Update webpages, and other relevant materials to inform clients that after January 1, 2025:
 - Juvenile restitution fines may not be assessed. Give examples to explain the difference between restitution and restitution fines.
 - Restitution fine debt 10+ years old will be vacated and uncollectable (for both adults and juveniles)
 - Youth co-defendants will be held severally liable for restitution
 - Wage and trust account garnishment for youth restitution is unlawful.

Notify Impacted Individuals

- By mail and/or email, inform youth, families, and impacted adults that after January 1, 2025:
 - Restitution fine debt 10+ years old will be unenforceable and uncollectible (for adults and juveniles)
 - Ex: if the victim restitution order was \$530 for property damage and the mandatory restitution fine was \$125, the \$125 charge will be vacated

Do not instruct clients to disobey court-ordered payments, even if their debt will be eligible to be vacated on January 1st.

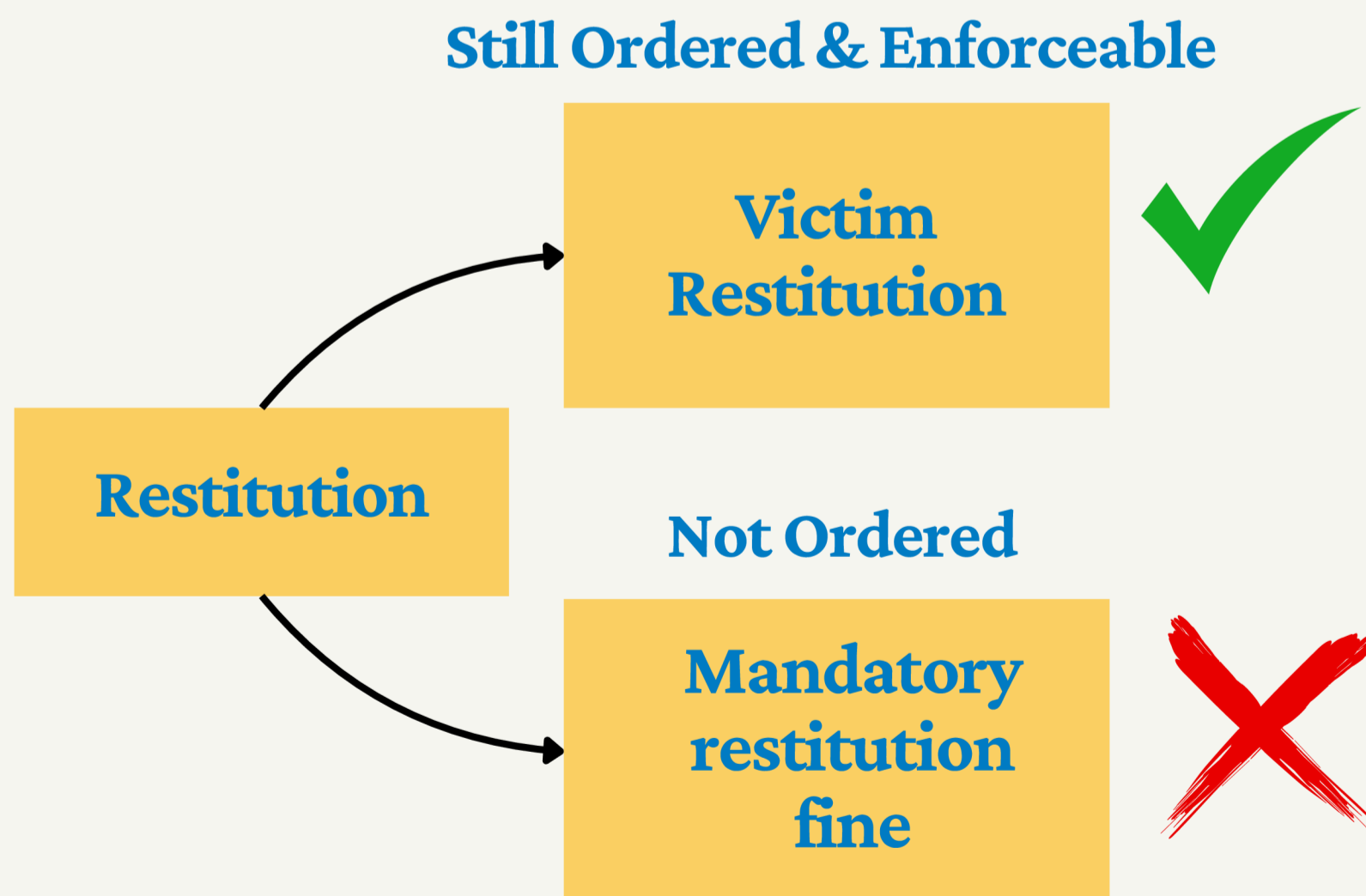
After January 1, 2025

Ensure Court Implementation of AB 1186

- Inform/remind courts of AB 1186's requirements
- Assist with restitution calculation, including:
 - Recommend individual fault percentages for individual youth co-defendants. Judges may not assign fault above 100% across all co-defendants.
 - Calculating the restitution order in property damage or destruction cases to be the **lesser** of property repair or replacement

Inform Clients about AB 1186

- Inform new clients (and their families) about how restitution will impact them going forward.



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Impacted Statutes

AB 1186 Regulation	Relevant Statute(s)
Eliminates prospective youth restitution fines	Cal. Welf. & Inst. Code § 730.6(a)(2); repeal of Cal. welf. & Inst. Code §§ 1752.81 & 1752.82
Prospectively ends wage and trust account garnishment for youth restitution	Cal. Pen. Code § 2085.5
Vacates youth AND adult restitution fine debt older than 10 years	Cal. Pen. Code § 1465.9(d); Cal. Welf. & Inst. Code § 223.2(d)
Clarifies property repair or replacement loss calculations for youth restitution orders	Cal. Welf. & Inst. Code § 730.6(b)
Prospectively ends joint and several liability for youth co-defendants	Cal. Welf. & Inst. Code § 730.6(b)(3)