

**ASSEMBLY BILL**

**No. 540**

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**Introduced by Assembly Member Campos**

February 23, 2015

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An act to add Section 1202.47 to the Penal Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

AB 540, as introduced, Campos. Restitution: entertainment profits.

Existing law requires the court to order criminal defendants to pay restitution to the victim or victims as well as a fine. Existing law authorizes the collection of the restitution fine and fee by the Department of Corrections and Rehabilitation, if the person is under the jurisdiction of the department, or the county collection program if the person is, or was, under the county's jurisdiction. Existing law also makes any portion of a restitution fine or restitution fee enforceable by the California Victim Compensation and Government Claims Board, as specified. Restitution is enforceable by the victim as a judgment.

This bill would require a person, organization, or company that enters into a contract to pay a person, who has been convicted of a crime and who is required to pay restitution, for the rights to his or her story, information relating to the crime for use by the company in an entertainment product, as defined, or consulting fees for the production of an entertainment product, to notify specified entities, including the California Victim Compensation and Government Claims Board, of the amount to be paid.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1202.47 is added to the Penal Code, to  
2 read:

3 1202.47. (a) A person, organization, or company that enters  
4 into a contract to pay a person, who has been convicted of a crime  
5 and who is required to pay restitution pursuant to Section 1202.4,  
6 for the rights to his or her story, information relating to the crime  
7 for use by the company in an entertainment product, or consulting  
8 fees for the production of an entertainment product, shall notify  
9 all of the following as to the amount contracted to be paid:

10 (1) The court where the person was sentenced for the crime.

11 (2) The Department of Corrections and Rehabilitation, if the  
12 person is currently under the jurisdiction of that department by  
13 reason of (A) being incarcerated in a state prison, a facility under  
14 the jurisdiction of the Division of Juvenile Justice, or a state  
15 hospital, (B) on parole, or (C) for any other reason.

16 (3) The county sheriff, if the person is currently under the  
17 jurisdiction of the county by reason of (A) being incarcerated in  
18 a county jail, (B) on probation, postrelease community supervision,  
19 or mandatory supervision, or (C) for any other reason.

20 (4) The California Victim Compensation and Government  
21 Claims Board.

22 (5) The district attorney that prosecuted the relevant crime.

23 (6) (A) The victim if his or her contact information is reasonably  
24 available.

25 (B) If the victim is deceased, his or her next of kin, if known  
26 and if their contact information is readily available.

27 (b) For purposes of this section, “entertainment product” means  
28 a book, play, screen play, television show, movie, advertising  
29 campaign, or other similar product that is based, in whole or in  
30 part, on the criminal actions of the person being paid.

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