



RESOLUTION NO. 089-2017

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, The El Dorado County Board of Supervisors recognizes that victims of crime shall be treated with compassion and respect and they shall have access to all appropriate mechanisms of the justice system and other governmental processes;

WHEREAS, Victim Restitution shall be ordered as a part of the sentence imposed upon a defendant by the judge and crime victims are entitled to collect that restitution for the harm they have suffered;

WHEREAS, The defendant has the entire period of probation or post probation to pay fines, fees and court ordered restitution. Victim restitution is considered a civil money judgment and there is no statute of limitations on the collecting of victim restitution;

WHEREAS, The Courts collect and the Probation Department distributes restitution payments to victims during the court ordered probation period;

WHEREAS, Victims have historically been left to collect any unpaid restitution on their own when the probation period ends;

WHEREAS, Allowing the collection of victim restitution to be ignored diminishes public respect for rules of law;

WHEREAS, Wherever possible, county agencies should provide assistance to victims to support restitution collection efforts;

WHEREAS, The California Constitution mandates that all monetary payments resulting from a person who has been ordered to make restitution shall be first applied to pay restitution (Article I, section 28.);

WHEREAS, The District Attorney's Office is generally obligated by law to assist victims of crime. Further, the California Constitution Article I, section 28 was amended by Marsy's Law to allow the District Attorney's Office "upon request of the victim" to enforce the victim's right to restitution;

WHEREAS, California Penal Code Section 1203.1(1) provides that the Board of Supervisors shall set the fee, not to exceed 15% of the total amount ordered to be paid, to cover the actual administrative cost of collection for the county entity performing the collection;

WHEREAS, Resolution 147-2012 was adopted by the Board of Supervisors on October 16, 2012 identifying the Revenue Recovery Division of the Department of Child Support Services as the appropriate county agency to collect unpaid restitution for victims of crime, when requested to do so by the victim, once the Courts and Probation Department are no longer involved in those collection efforts;

WHEREAS, On December 12, 2016, the Superior Court of El Dorado chose to terminate their MOU with the Child Support Services Revenue Recovery Division for the collection of court debt effective July 1, 2017 and to transfer responsibility for the collection of delinquent fees and fines to an alternative collection agency;

WHEREAS, On March 7, 2017 the Board adopted Resolution 049-2017, deleting eight of nine personnel positions in the Revenue Recovery Division and implementing a reduction in force;

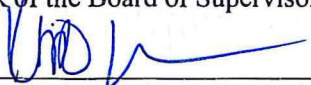
WHEREAS, One position within the Revenue Recovery Division was excluded from the reduction in force to oversee and coordinate County collection efforts, including post-probation Victim Restitution;

WHEREAS, It has since been determined that the Treasurer-Tax Collector is the appropriate County department to oversee post-probation Victim Restitution.

NOW, THEREFORE, BE IT RESOLVED that, effective July 1, 2017, the Treasurer-Tax Collector shall, at the request of the District Attorney's Office and the victims themselves, assist crime victims by collecting and distributing unpaid restitution on their behalf, and that this Resolution supersedes Resolution 147-2012.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 23rd day of May, 2017, by the following vote of said Board:

Attest:
James S. Mitrison
Clerk of the Board of Supervisors

By: 
Deputy Clerk

Ayes: Veerkamp, Novasel, Hidahl, Frentzen, Ranalli
Noes: None
Absent: None


Chair, Board of Supervisors
Shiva Frentzen