



March 23, 2023

Assemblymember Reginald Byron Jones-Sawyer Sr.  
Chair, Assembly Public Safety Committee  
Legislative Office Building  
1020 N Street, Room 111  
Sacramento, CA 95814

**RE: The REPAIR Act - AB 1186 (Bonta) - SUPPORT**

Dear Assemblymember Jones-Sawyer,

The National Consumer Law Center (NCLC)<sup>1</sup> supports AB 1186, the REPAIR (Realizing Equity while Promoting Accountability and Impactful Relief) Act. The bill would provide crime survivors with more equitable, timely, and stable compensation, while ensuring young people and their families are not locked into unaffordable debt and poverty. It would do so by establishing a public compensation fund through which crime survivors can address immediate needs for compensation, and by ensuring that accountability and rehabilitation is addressed in youth-appropriate ways—such as participating in restorative justice practices, community service, or personal development programs.

Under current California law, judges order youth to pay direct monetary compensation—that is, restitution—to those they have been accused of causing loss or injury. Even children with no ability to work or pay a debt are ordered to pay restitution. Because youth are considered dependents, parents are held jointly and severally liable for their child’s restitution. Often, families cannot afford to pay restitution orders, which are converted into civil judgments that are enforceable through wage seizure, tax refund intercept, and seizing funds in a bank account.

In a recent report, NCLC examined state exemption laws—that is, laws that shield income and property from seizures in order to protect people from poverty.<sup>2</sup> Specifically, we conducted a comparative analysis of the state exemption laws of each of the 50 states, including California. Our research shows that California’s laws are less protective than many others when it comes to allowing an indebted family to (1) keep possession of a car<sup>3</sup> and (2) preserve a basic amount in

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<sup>1</sup> The National Consumer Law Center (NCLC) is a nonprofit organization that engages in research, education, advocacy, and litigation to advance economic justice for low-income and other disadvantaged people, including people of color and older adults. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, federal and state governments, and courts across the nation to protect low-income people from harmful lending and debt collection practices, help financially stressed families build and retain wealth, and advance economic fairness. Through its Criminal Justice Debt Project, NCLC works to address fines-and-fees policies that trap low-income families in poverty, criminalize poverty, and strip wealth from communities of color.

<sup>2</sup> Michael Best & Carolyn Carter, Nat’l Consumer L. Ctr., No Fresh Start 2022: Will States Let Debt Collectors Push Families into Poverty as the Cost of Necessities Soars? (2022), available at [https://www.nclc.org/wp-content/uploads/2022/12/NoFreshStart-22\\_Rpt.pdf](https://www.nclc.org/wp-content/uploads/2022/12/NoFreshStart-22_Rpt.pdf).

<sup>3</sup> *Id.* at 20–23.

their bank account so that they have funds available to pay essential costs, such as rent and utilities.<sup>4</sup> Thus, under California’s laws, a young person’s restitution order could contribute to their family losing their car, and consequently losing their ability to work, or being unable to pay for essential costs. As a result, a system in which children and teens are ordered to pay restitution is one that threatens the basic financial stability of families that are often already financially vulnerable. Furthermore, this debt is not dischargeable in bankruptcy and can follow young people well into adulthood, hindering their ability to make ends meet, secure safe housing, and provide for themselves and their children. These harms are likely to disproportionately burden families of color, both because Black youth are more likely to be assessed restitution and in higher amounts,<sup>5</sup> and because communities of color are disproportionately burdened by debt, subjected to judgments in collection lawsuits, and subjected to wage seizure.<sup>6</sup>

In summary, we support the REPAIR Act because it seeks to make survivors whole without driving already struggling families into cycles of poverty and exacerbating racial inequity. Thank you for your consideration.

Sincerely,

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Assemblymember Mia Bonta  
Assemblymember Isaac Bryan  
Assemblymember Tom Lackey  
Assemblymember Liz Ortega  
Assemblymember Miguel Santiago  
Assemblymember Rick Chavez Zbur

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<sup>4</sup> *Id.* at 24–30.

<sup>5</sup> Debt Free Justice California, “AB 1186: The REPAIR Act,” Fact Sheet (2023).

<sup>6</sup> Best & Carter, *supra* note 2, at 7.