



## Judicial Council of California . Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 26, 2011

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| Title  | Agenda Item Type  |
| Traffic: Uniform Bail and Penalty Schedules,<br>September 2011 | Action Required   |
| Rules, Forms, Standards, or Statutes Affected                  | Effective Date  |
| None   | September 1, 2011   |
| Recommended by   | Date of Report  |
| Traffic Advisory Committee                                     | August 17, 2011   |
| Hon. Deborah A. Ryan, Chair                                    | Contact   |
|  | Courtney Tucker, 415-865-7611<br><a href="mailto:courtney.tucker@jud.ca.gov">courtney.tucker@jud.ca.gov</a> |

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### Executive Summary

The Traffic Advisory Committee proposes that the Judicial Council adopt the revised 2011 Uniform Bail and Penalty Schedules, effective September 1, 2011. The revised schedules incorporate information on a new \$3 administrative fee that courts must collect for the Department of Motor Vehicles when defendants are referred to traffic violator school. Updating the council's schedules will assist courts in revising local bail schedules and facilitate proper collection of fees for traffic cases in accordance with new law.

### Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective September 1, 2011, adopt the revised 2011 Uniform Bail and Penalty Schedules to bring the schedules into conformance with legislation that requires courts to collect a new fee for traffic violator school.

### Previous Council Action

At the Judicial Council meeting on June 24, 2011, the council adopted Uniform Bail and Penalty Schedules for July 2011 to conform to legislation enacted in 2010 that became effective on July 1, 2011.

## **Rationale for Recommendation**

Under Vehicle Code section 40310, the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Penal Code section 1269b requires that courts annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The Judicial Council establishes the schedule for traffic infractions. Although sections 40310 and 1269b require adoption of revised schedules annually, no statutes prohibit revision of the schedules more often when new laws that affect the schedules are enacted.

The proposed revisions update the schedules for 2011 and bring them into conformance with enactment of Assembly Bill 2499 (Stats. 2010, ch. 599), which amended Vehicle Code section 42007.1 to authorize collection of a traffic violator school administrative fee, which the Department of Motor Vehicles has set at \$3. Updating the council's schedules will assist courts in revising local bail schedules to conform to the change in law and facilitate proper collection of fees in traffic cases.

The proposed revised portions of the schedules follow as Attachment A. Changes to the revised schedules appear as shaded text with additions underlined and deletions struck out. The complete bail schedules are available for review at: [www.courts.ca.gov/7532.htm](http://www.courts.ca.gov/7532.htm).

## **Comments, Alternatives Considered, and Policy Implications**

No alternatives were considered, and the proposed technical revision of the schedules was not circulated for comment. (See Cal. Rules of Court, rule 10.22(d)(2).) The schedules are updated to reflect the additional \$3 fee and assist courts with collection of the proper fees for traffic cases that include a referral to traffic violator school.

## **Implementation Requirements, Costs, and Operational Impacts**

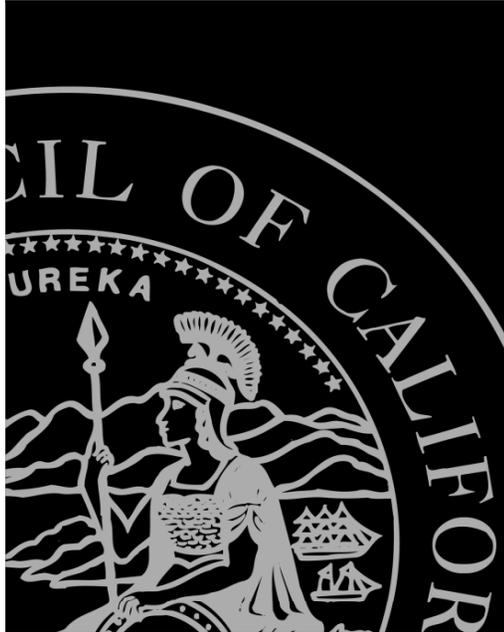
Courts may need to prepare updated county bail schedules to reflect the new \$3 fee to be collected effective September 1, 2011, and provide training for court staff and judicial officers.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

Adoption of revised schedules supports strategic plan Goal III: Modernization of Management and Administration, and operational plan Goal III, Objective 4: Uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.

## **Attachment**

1. Attachment A: Uniform Bail and Penalty Schedules, September 1, 2011, edition; title page and page x of the preface to the schedules



# Uniform Bail and Penalty Schedules

JULY/SEPTEMBER 2011 EDITION

(Cal. Rules of Court, rule 4.102)

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TRAFFIC  
BOATING  
FORESTRY  
FISH AND GAME  
PUBLIC UTILITIES  
PARKS AND RECREATION  
BUSINESS LICENSING



JUDICIAL COUNCIL  
OF CALIFORNIA

C driver’s license from attending traffic violator school to avoid points for traffic violations. Vehicle Code section 42005(d) excludes violations of Vehicle Code sections 20001, 20002, 23103, 23104, 23105, 23140, 23152, 23153, or 23103, as specified in section 23103.5, from eligibility for traffic violator school to avoid points.

**Sample Calculation of Bail, Traffic Violator School Fee, and Court Security Fee for Multiple Offenses\***

(\* Example assumes a \$40 court security fee per violation. The fee is reduced to \$30 per violation on 7/1/13 unless the sunset of the \$40 fee is repealed.)

1. Violation of Vehicle Code sections 21453(a), 22108, 24252(a), and 26707.
2. No prior convictions are charged.
3. “Additional penalties” of between \$21 and \$26 as set out in section III for every \$10 of base fine or part thereof plus the surcharge on the base fine:

| “Total Bail” Without Traffic School or Proof |                 | Traffic Violator School and Correction Total With Proof |                 |
|--|-----------------|---|-----------------|
| VC 21453(a)                                  | = \$ 100        | (VC 21453(a))   | \$384           |
| VC 22108                                     | = \$ 35         | (VC 22108)  | (\$ 0)          |
| VC 24252(a), VC 26707                        | = \$ 50         | TVS fee   | \$ 49           |
| Total base fine                              | = \$ 185        | <u>TVS/DMV admin.fee</u>                                | <u>\$ 3</u>     |
| Penalties and surcharge                      | = \$ <u>585</u> | Correction fee (2 X \$25)                               | \$ 50           |
| TOTAL BAIL                                   | = \$ 770        | Court security (2 X \$40)                               | \$ <u>80</u>    |
| Court security fee                           | = \$ 160        | (CAP/TAP fee; VC 11205)                                 | (\$ )           |
| Conviction assessment                        | = \$ 140        | Conviction assessment                                   | \$ 70           |
|  |                 | TOTAL   | <u>\$633636</u> |

4. If the defendant is ordered to attend traffic violator school under VC 41501 for VC 21453(a) and VC 22108, per VC 42007 the defendant is charged for the greater/more severe of the qualifying offenses: VC 21453(a) @ \$384 plus the \$49 and \$3 DMV TVS fee per VC 42007.1 (total of \$433436).
5. The charges of VC 21453(a) and VC 22108 are continued under VC 41501. The charges of VC 24252(a) and VC 26707 are continued pending proof of correction, required under VC 40522 for dismissal.
6. The defendant presents to the court timely evidence that he or she has completed traffic violator school. The VC 21453(a) and VC 22108 violations are reported under VC 41501. If the defendant submits to the court timely evidence under VC 40616 that the violations of VC 24252(a) and VC 26707 have been corrected, the VC 24252(a) and VC 26707 violations are dismissed under VC 40522, and a \$50 “transaction fee” is charged under VC 40611. The court security fee of \$80 is collected and distributed as required by Penal Code section 1465.8 for reporting of VC 21453(a) and VC 22108 for completion of traffic violator school and a criminal conviction assessment of \$70 is collected under Government Code section 70373.
7. The case is closed, with the court collecting \$633636 (\$384 + \$49 + \$50 + \$80 + \$70 +\$3) plus any fee under VC 11205. Under VC 42006, courts that conduct night or weekend court may also collect an assessment of \$1.

**IX. Late Charge**

Vehicle Code section 40310 requires the imposition of a late charge of 50 percent on any traffic penalties not paid within 20 days.