

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

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**Report**

TO: Members of the Judicial Council

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DATE: November 15, 2005

SUBJECT: Allocation of Revenue from the Trial Court Improvement Fund in  
Accordance with rule 6.105 of the California Rules of Court and  
Government Code section 77205(a) (Action Required)

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Issue Statement

Pursuant to rule 6.105 of the California Rules of Court and Government Code section 77205(a), the Judicial Council must annually allocate 80 percent of the amount of fee, fine, and forfeiture revenue (50/50 Excess Fines Split Revenue) deposited into the Trial Court Improvement Fund (Improvement Fund) in any fiscal year that exceeds the amount of fiscal year (FY) 2002–2003 50/50 Excess Fines Split Revenue as follows:

1. To the trial courts in the counties from which the revenue was deposited;
2. To the Trial Court Trust Fund to support local trial court operations among other trial courts pursuant to section 68085(a)(1) by allocation to those trial courts; and
3. For retention in the Improvement Fund to support ongoing statewide technology and administrative infrastructure projects on behalf of the trial courts.

In addition, Government Code section 68085(a)(4) authorizes that not more than 20 percent of the total 50/50 Excess Fines Split Revenue be distributed to the Administrative Office of the Courts (AOC) to address the costs of administrative infrastructure needs to support the trial courts.

Background

Senate Bill 940 (Chapter 275, Statutes of 2003) required the council to establish a collaborative court-county working group and to adopt guidelines for a comprehensive program for the collection of moneys imposed by court order, and to establish standard agreements for enhanced collection programs. The statute requires the council each year to allocate part of the 50/50 Excess Fines Split Revenue that exceeds the amount

deposited in the 2002–2003 fiscal year to the trial courts located in the counties from which the excess revenues were collected. Of which, one-time monies may be allocated as an incentive for trial courts to establish or enhance collection programs.

In December 2004, the Judicial Council approved rule 6.105 of the California Rules of Court which implemented Government Code section 77205(a). This rule required AOC staff to recommend to the council a methodology for the yearly allocation of the portion of the 50/50 Excess Fines Split Revenue deposited into the Improvement Fund that exceed the amount deposited in FY 2002–2003 and the specific amounts to be distributed in any given year.

In accordance with rule 6.105 of the California Rules of Court, staff are presenting for council approval recommendations for the yearly allocation of these revenues.

### Recommendations

Staff recommend that the Judicial Council approve:

1. The specific amounts to be allocated for FY 2004–2005, including 20 percent (\$1,698,468) to be distributed to the trial courts located in counties that contributed to the 50/50 Excess Fines Split Revenue; 30 percent (\$2,547,702) to be distributed to the Trial Court Trust Fund; and 30 percent (\$2,547,702) to be retained in the Improvement Fund. The specific amounts to be distributed to each trial court are indicated in Chart 1 attached.
2. Delegate authority to the Administrative Director of the Courts to make any needed corrections if adjustments are made by the State Controller’s Office to the 50/50 Excess Fines Split Revenue deposited into the Improvement Fund prior to distribution.

### Rationale for Recommendation

In accordance with Government Code section 77205(h), 50/50 Excess Fines Split Revenue is to be remitted to the state no later than 45 days after the end of the fiscal year in which those fees, fines, and forfeitures were collected. Historically, while most counties remit their 50/50 Excess Fines Split Revenue on or before August 15, the actual receipts are not finalized until early October due to late remittances and adjustments from prior years. In addition, occasionally the State Controller’s Office will make adjustments to current year receipts after October if they are notified of over- or under-remittances of 50/50 Excess Fines Split Revenues. As a result, delegating authority to the Administrative Director of the Courts will allow corrections to be made to the amounts at the time of distribution.

In summary, each year staff determine the total increased amount in 50/50 Excess Fines Split Revenue as compared to the FY 2002–2003 base year. The amount to be distributed

to each trial court will be calculated based on the percent that each county where the trial court is located contributed to the statewide total increased amount.

During FY 2004–2005, an additional \$8,492,340 was collected over the FY 2002–2003 base year level. Of this amount, staff recommend the following for allocation to the trial courts:

- 20 percent (\$1,698,468) be distributed to the trial courts located in counties that contributed to the 50/50 Excess Fines Split Revenue;
- 30 percent (\$2,547,702) be distributed to the Trial Court Trust Fund;
- 30 percent (\$2,547,702) be retained in the Improvement Fund; and
- An amount up to the remaining 20 percent (\$1,698,468), as authorized by Government Code section 68085(a)(4), will be distributed to the AOC to address statewide administrative infrastructure needs on behalf of the trial courts.

The 30 percent to be distributed to the Trial Court Trust Fund will increase the fund balance in the event that there are revenue shortfalls related to the uncertainties of revenue under the uniform civil fee structure, which will be implemented on January 1, 2006.

The 30 percent to be retained in the Improvement Fund will be used to support ongoing statewide technology and administrative infrastructure projects on behalf of the trial courts that were previously approved by the council.

#### Alternative Actions Considered

Due to the fact that the Judicial Council approved the allocation methodology in December 2004 and that there has been minimal feedback from the courts since that time, no alternatives were considered.

#### Comments From Interested Parties

No comments were received.

#### Implementation Requirements and Costs

The proposal has no implementation costs other than those associated with the distribution of the revenues.

Attachment

**Chart 1 50/50 Excess Split Revenue Increase from FY 2002-03 to FY2004-05 and Distribution to Courts**

FY04-05 Actual: as of 11/09/2005	02-03 Base (JC Dec-04)	Change In 04-05 <sup>1)</sup>	02-03 Base Amended	FY 04-05 Actual <sup>2)</sup>	Increase (\$) 04 vs. 02 <sup>3)</sup>	Increase (\$) 04 vs. 02 <sup>4)</sup>	Increase (%) 04 vs. 02 <sup>5)</sup>	Distribution 20% of Total <sup>6)</sup>
	1	2	3 = 1 + 2	4	5 = 4 - 3	6 = 4 - 3	7 = 6 / J63	8 = 7 * H64
01 Alameda	1,756,180	-	1,756,180	1,991,269	235,089	235,089	2.23%	37,811
02 Alpine	52,890	-	52,890	44,276	(8,614)	-	-	-
03 Amador	53,662	-	53,662	69,730	16,068	16,068	0.15%	2,584
04 Butte	316,805	-	316,805	219,906	(96,899)	-	-	-
05 Calaveras	107,728	-	107,728	86,749	(20,979)	-	-	-
06 Colusa	159,377	-	159,377	208,046	48,669	48,669	0.46%	7,828
07 Contra Costa	1,913,325	-	1,913,325	2,090,266	176,941	176,941	1.68%	28,459
08 Del Norte	183,843	(26,448)	157,395	118,536	(38,859)	-	-	-
09 El Dorado	239,781	-	239,781	203,439	(36,342)	-	-	-
10 Fresno	1,944,703	-	1,944,703	2,730,390	785,687	785,687	7.44%	126,369
11 Glenn	237,830	-	237,830	256,456	18,626	18,626	0.18%	2,996
12 Humboldt	-	-	-	100,914	100,914	100,914	0.96%	16,231
13 Imperial	379,607	-	379,607	507,290	127,683	127,683	1.21%	20,536
14 Inyo	198,690	-	198,690	203,527	4,837	4,837	0.05%	778
15 Kern	2,099,967	-	2,099,967	3,125,766	1,025,798	1,025,798	9.71%	164,988
16 Kings	315,420	-	315,420	433,519	118,099	118,099	1.12%	18,995
17 Lake	177,900	-	177,900	174,330	(3,570)	-	-	-
18 Lassen	212,822	-	212,822	-	(212,822)	-	-	-
19 Los Angeles	12,743,381	745,944	13,489,325	13,506,073	16,748	16,748	0.16%	2,694
20 Madera	-	-	-	16,043	16,043	16,043	0.15%	2,580
21 Marin	477,179	-	477,179	788,401	311,222	311,222	2.95%	50,056
22 Mariposa	3,145	-	3,145	37,377	34,232	34,232	0.32%	5,506
23 Mendocino	294,992	-	294,992	445,403	150,411	150,411	1.42%	24,192
24 Merced	555,480	-	555,480	717,382	161,902	161,902	1.53%	26,040
25 Modoc	-	-	-	-	-	-	-	-
26 Mono	-	-	-	83,103	83,103	83,103	0.79%	13,366
27 Monterey	222,156	-	222,156	343,667	121,511	121,511	1.15%	19,544
28 Napa	361,257	-	361,257	344,261	(16,996)	-	-	-
29 Nevada	-	-	-	53,558	53,558	53,558	0.51%	8,614
30 Orange	5,084,038	(1,998)	5,082,040	5,176,355	94,315	94,315	0.89%	15,169
31 Placer	1,114,332	-	1,114,332	1,272,334	158,002	158,002	1.50%	25,413
32 Plumas	93,428	32,117	125,545	120,274	(5,271)	-	-	-
33 Riverside	3,343,986	-	3,343,986	4,686,130	1,342,144	1,342,144	12.71%	215,868
34 Sacramento	2,637,044	1,998	2,639,042	3,655,778	1,016,736	1,016,736	9.63%	163,530
35 San Benito	271,658	-	271,658	140,834	(130,824)	-	-	-
36 San Bernardino	4,187,192	(166,358)	4,020,834	5,092,380	1,071,546	1,071,546	10.15%	172,346
37 San Diego	4,276,751	-	4,276,751	4,763,152	486,401	486,401	4.61%	78,232
38 San Francisco	1,878,248	-	1,878,248	1,042,818	(835,430)	-	-	-
39 San Joaquin	803,605	-	803,605	1,553,295	749,689	749,689	7.10%	120,579
40 San Luis Obispo	490,350	-	490,350	443,948	(46,402)	-	-	-
41 San Mateo	931,995	-	931,995	719,098	(212,897)	-	-	-
42 Santa Barbara	912,513	-	912,513	666,511	(246,002)	-	-	-
43 Santa Clara	2,450,302	-	2,450,302	2,470,013	19,711	19,711	0.19%	3,170
44 Santa Cruz	257,807	-	257,807	637,916	380,109	380,109	3.60%	61,136
45 Shasta	443,683	-	443,683	536,023	92,340	92,340	0.87%	14,852
46 Sierra	21,280	-	21,280	18,297	(2,982)	-	-	-
47 Siskiyou	345,163	-	345,163	337,409	(7,755)	-	-	-
48 Solano	615,263	15,594	630,857	1,392,671	761,813	761,813	7.21%	122,529
49 Sonoma	1,051,276	-	1,051,276	1,085,711	34,435	34,435	0.33%	5,538
50 Stanislaus	508,179	-	508,179	862,962	354,784	354,784	3.36%	57,063
51 Sutter	170,808	15,318	186,126	245,742	59,616	59,616	0.56%	9,589
52 Tehama	234,259	-	234,259	274,942	40,682	40,682	0.39%	6,543
53 Trinity	30,984	(3,622)	27,362	30,368	3,006	3,006	0.03%	484
54 Tulare	664,421	-	664,421	828,462	164,041	164,041	1.55%	26,384
55 Tuolumne	163,731	18,510	182,241	182,217	(24)	-	-	-
56 Ventura	2,070,951	-	2,070,951	2,140,857	69,906	69,906	0.66%	11,244
57 Yolo	545,787	-	545,787	400,701	(145,086)	-	-	-
58 Yuba	160,692	-	160,692	214,368	53,676	53,676	0.51%	8,633
<b>Total</b>	<b>60,767,847</b>	<b>631,055</b>	<b>61,398,901</b>	<b>69,891,241</b>	<b>8,492,340</b>	<b>10,560,094</b>	<b>100.00%</b>	<b>1,698,468</b>

Statewide Increase	<b>8,492,340</b>
Up to 80% to Three Areas	6,793,872
20% of Total to Trial Courts	1,698,468
30% of Total to TCTF	2,547,702
30% of Total Retained in TCIF	2,547,702
Subtotal Three Areas	6,793,872

Maximum of 20% -Administrative Infrastructure Needs	1,698,468
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<b>Total Distribution</b>	<b>8,492,340</b>
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20% of Statewide Increase: 1,698,468      8,492,340      80% of Statewide Increase: 6,793,872

Updated on: 12/2/2005

**NOTE:** Highlighted courts indicate that adjustments were made after the amounts for distribution were approved by the Judicial Council in Dec-2004.

- Per the State Controller's Office (SCO) actual revenue receipts and postings as of 11/04/2005, 10 counties have adjustments to their FY 2002-03's base amount.
- Actual revenue data for FY 2004-05 is based on SCO's postings as of 11/10/2005. For normalized calculation purposes, all PY's adjustments are excluded.
- 39 courts have revenue increases from FY 2002-03 to FY 2004-05. The net increase amount is \$8.492M.
- Same calculation as for column 5, except the negative amounts are taken out in order to identify the "true" increase statewide.
- The calculation is: the net increase in FY 2004-05 over FY 2002-03's actual divided by the statewide "true" increase (Note, the courts with a negative amount are taken out), so that the net contribution to this "true" statewide increase is converted to a % from each court.
- Based on the statewide total excess amount that has been determined, the allocations to each qualified court is calculated on the percent that each court has contributed to the statewide total increased amount.