



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 29, 2011

Title

Criminal Fines and Fees: Judicial Council
Establishment and Appointments to Court-
Ordered Debt Task Force

Agenda Item Type

Action Required

Effective Date

April 29, 2011

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 1, 2011

Recommended by

Executive and Planning Committee
Hon. Richard D. Huffman, Chair

Contact

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Executive Summary

The Executive and Planning Committee recommends that, as required by Penal Code section 1463.02, the Judicial Council establish a 21-member task force to evaluate criminal and traffic-related court-ordered debts imposed against adult and juvenile offenders and to appoint the chair, cochair, four members, and one nonvoting advisory member to the task force with the remaining 15 members to be appointed by other government entities as specified in the legislation.

Recommendation

The Executive and Planning Committee recommends that the Judicial Council establish the Court-Ordered Debt Task Force and make the following appointments:

1. Judge Mary Ann O'Malley, Superior Court of Contra Costa County, Chair;
2. Judge David S. Wesley, Superior Court of Los Angeles County, Cochair;
3. Ms. Melissa Fowler-Bradley, Court Executive Officer, Superior Court of Shasta County, member;
4. Mr. David H. Yamasaki, Court Executive Officer, Superior Court of Santa Clara County, member;

5. Ms. Jody Patel, Regional Administrative Director, Administrative Office of the Courts (AOC), Northern/Central Regional Office, member; and
6. Mr. Curt Soderlund, Director, AOC Trial Court Administrative Services Division, member.
7. Judge J. Richard Couzens (Ret.), nonvoting advisory member.

Previous Council Action

No previous action has been taken on the specific requirements of Penal Code section 1463.02.

Rationale for Recommendation

Establishment of Task Force

The Executive and Planning Committee recommends that the Judicial Council establish the Court-Ordered Debt Task Force to satisfy the requirement set forth in Penal Code section 1463.02. (See Attachment A.) Section 1463.02 states, "On or before June 30, 2011, the Judicial Council shall establish a task force to evaluate criminal and traffic-related court-ordered debts imposed against adult and juvenile offenders." As stated in statute, the task force will evaluate and explore means to streamline the existing structure for imposing and distributing criminal and traffic fines and fees in the State of California and make recommendations to the Judicial Council and the Legislature. The specific charge and responsibilities of the task force are set forth in section 1463.02 (b), (c), and (d).

The task force will make at least two sets of recommendations to the Judicial Council and the Legislature. On or before June 30, 2011, the task force will recommend the priority in which court-ordered debts should be satisfied and the use of comprehensive collection programs authorized under Penal Code section 1463.007, including associated cost-recovery practices. (Pen. Code, § 1463.02(d).) At a later time, the task force also will present recommendations to the Judicial Council and to the Legislature to: consolidate and simplify the imposition of criminal and traffic-related court-ordered debts and the distribution of the revenue derived from those debts, and make any adjustment to the court-ordered debts. (Pen. Code, § 1463.02(b)(4).)

Appointment of Members and Designation of Chair

Penal Code section 1463.02(a) requires that the task force have the following members:

1. Two members appointed by the California State Association of Counties;
2. Two members appointed by the League of California Cities;
3. Two judges, two court executives, and two Administrative Office of the Courts employees appointed by the Judicial Council;
4. One member appointed by the Controller;
5. One member appointed by the Franchise Tax Board;
6. One member appointed by the California Victim Compensation and Government Claims Board;
7. One member appointed by the Department of Corrections and Rehabilitation;
8. One member appointed by the Department of Finance;

9. One member appointed by each house of the Legislature;
10. A county public defender and a city attorney appointed by the Speaker of the Assembly; and
11. A defense attorney in private practice and a district attorney appointed by the Senate Committee on Rules.

The Judicial Council is required to designate a chairperson for the task force. (Pen. Code, § 1463.02(b).) Judge O'Malley has agreed to assume the role of chair and Judge Wesley has agreed to serve as cochair. At Judge O'Malley's recommendation, Judge Couzens (Ret.), Superior Court of Placer County, has agreed to serve as a nonvoting advisory member.

Comments, Alternatives Considered, and Policy Implications

The Executive and Planning Committee did not consider other candidates. The proposed representatives from the trial courts were solicited based on their previously expressed interest in the subject matter; the members from the Administrative Office of the Courts have prior extensive experience in the subject matter.

Implementation Requirements, Costs, and Operational Impacts

The costs and operational impacts of these appointments are negligible, although the task force may incur costs for consulting services in the next two fiscal years. This issue is still being evaluated.

Attachment

Attachment A: Pen. Code, § 1463.02

Task Force to Evaluate Criminal and Traffic-related Court-ordered Debt

Penal Code §1463.02. (a) On or before June 30, 2011, the Judicial Council shall establish a task force to evaluate criminal and traffic-related court-ordered debts imposed against adult and juvenile offenders. The task force shall be comprised of the following members:

- (1) Two members appointed by the California State Association of Counties.
- (2) Two members appointed by the League of California Cities.
- (3) Two court executives, two judges, and two Administrative Office of the Courts employees appointed by the Judicial Council.
- (4) One member appointed by the Controller.
- (5) One member appointed by the Franchise Tax Board.
- (6) One member appointed by the California Victim Compensation and Government Claims Board.
- (7) One member appointed by the Department of Corrections and Rehabilitation.
- (8) One member appointed by the Department of Finance.
- (9) One member appointed by each house of the Legislature.
- (10) A county public defender and a city attorney appointed by the Speaker of the Assembly.
- (11) A defense attorney in private practice and a district attorney appointed by the Senate Committee on Rules.

(b) The Judicial Council shall designate a chairperson for the task force. The task force shall, among other duties, do all of the following:

- (1) Identify all criminal and traffic-related court-ordered fees, fines, forfeitures, penalties, and assessments imposed under law.
- (2) Identify the distribution of revenue derived from those debts and the expenditures made by those entities that benefit from the revenues.
- (3) Consult with state and local entities that would be affected by a simplification and consolidation of criminal and traffic-related court-ordered debts.
- (4) Evaluate and make recommendations to the Judicial Council and the Legislature for consolidating and simplifying the imposition of criminal and traffic-related court-ordered debts and the distribution of the revenue derived from those debts with the goal of improving the process for those entities that benefit from the revenues, and recommendations, if any, for adjustment to the court-ordered debts.

(c) The task force also shall document recent annual revenues from the various penalty assessments and surcharges and, to the extent feasible, evaluate the extent to which the amount of each penalty assessment and surcharge impacts total annual revenues, imposition of criminal sentences, and the actual amounts assessed.

(d) The task force also shall evaluate and make recommendations to the Judicial Council and the Legislature on or before June 30, 2011, regarding the priority in which court-ordered debts should be satisfied and the use of comprehensive collection programs authorized pursuant to Section 1463.007, including associated cost-recovery practices.