

**Revenue Distribution Training  
July 2014**



Presented by the  
State Controller's Office  
and the  
Judicial Council of California

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**INTRODUCTION**

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**Faculty and Contacts**

State Controllers Office

Jim Reisinger	JReisinger@sco.ca.gov
Lakia Beavers	LBeavers@sco.ca.gov
Gabriel Peti	GPeti@sco.ca.gov

Judicial Council

Bob Fleshman	Bob.Fleshman@jud.ca.gov
John Judnick	John.Judnick@jud.ca.gov
Robert Cabral	Robert.Cabral@jud.ca.gov

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## Housekeeping Information

- Breaks: 15 minutes
- Lunch: 60 minutes, lunch provided
- Restrooms: out the door to the left
- Questions:
  - Ask at any time - use the microphone
  - Use index cards to submit written questions; include your name in case we need more information
- Evaluations: Complete for each session (as indicated); return at end of day

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## Training Agenda

- 9:30 – Opening and Introduction
  - Faculty and contacts
  - Housekeeping
  - Training expectations and goals
  - Court-Ordered Debt Task Force
- 9:45 – Distribution Resources
  - Judicial Council - Uniform Bail and Penalty Schedule
  - State Controller's Office - Appendix C
  - Frequently Asked Questions (FAQ's)
  - Submitted Questions
- 10:45 – Morning Break
- 11:00 – Revenue Distribution Audits
- 11:30 – Statutes
- 12:00 – Lunch Break

Times are approximate.

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## Training Agenda

- 1:00 – 2:30 Panel of Experts
  - Frequently Asked Questions
- 2:30 – 2:45 Closing
  - Evaluations
  - Questions and Answers
- 2:45 – 3:00 Break
- 3:00 – 4:30 Distributions Special Instruction
  - Basic & Special Distributions
  - How to Build a Worksheet
- 4:30 - End

Times are approximate.

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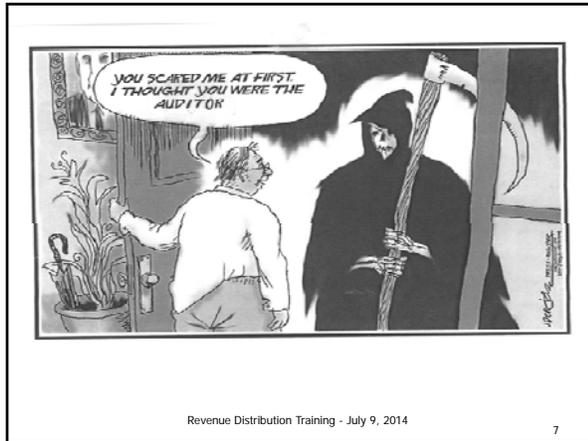
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**Attendee Expectations**  
Survey Responses

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**Instruction Goals**

- Identify sources of resource materials for distribution calculations, analysis, and research
- Provide an overview of statutes involved in distributions
- Review and discussion of frequently asked distribution questions
- Distribution Worksheets:
  - Review basic and specialized distributions utilizing worksheets
  - Learn how to create worksheets for distributions

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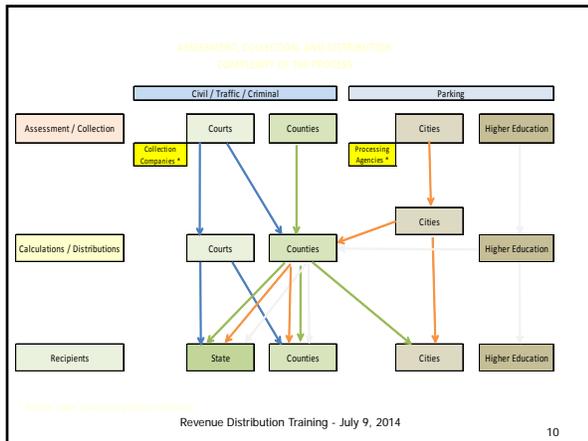
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## Court-Ordered Debt Task Force

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- ### Court-Ordered Debt Task Force (CODTF)
- Established by Penal Code 1463.02(b)
  - Representatives from
    - State entities, agencies, and organizations
    - Counties, cities, and other external organizations
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**CODTF PRIMARY GOALS (PC 1463.02(b))**

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.

- Identify all criminal and traffic-related court-ordered fees, fines, forfeitures, penalties and assessments imposed under law.
- Identify the distribution of revenue derived from those debts and the expenditures made by those entities that benefit from the revenues.
- Consult with state and local entities that would be affected by a simplification and consolidation of criminal and traffic-related court-ordered debts.

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**CODTF ACTIVITIES**

Activities of CODTF subgroups:

- Survey to determine revenue streams to state, counties, cities, etc., and associated financial information (Completed)
- Evaluation of SCO Appendix C (Completed)
- Sponsor training on revenue distribution
- Criminal and Traffic-Related Court-Ordered Debt Simplification Pilot Program

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**Distribution Resource Interrelationships**

- Statutes
- SCO Revenue Distribution Guidelines, Appendix C
- Judicial Council Uniform Bail and Penalty Schedule
- Revenue Distribution Audit Worksheets

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## Distribution Resource Sites

**California Statutes:** [leginfo.legislature.ca.gov/faces/codes.xhtml](http://leginfo.ca.gov/faces/codes.xhtml)

**Distribution Resources/Guides:**

- JC Revenue Distribution Website [www.courts.ca.gov/revenue-distribution.htm](http://www.courts.ca.gov/revenue-distribution.htm)
- JC Uniform Bail and Penalty Schedules [www.courts.ca.gov/documents/2013-JC-BAIL.pdf](http://www.courts.ca.gov/documents/2013-JC-BAIL.pdf)
- Frequently Asked Questions [www.courts.ca.gov/revenue-distribution.htm](http://www.courts.ca.gov/revenue-distribution.htm)
- SCO Appendix C Guidelines [www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)
- Distribution Training Materials [www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)

**Local Court Websites:** [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm)

**County Websites:** [www.csac.counties.org/county-websites-profile-information](http://www.csac.counties.org/county-websites-profile-information)

**Audit Reports:**

- State Controller's [www.sco.ca.gov/aud COURT\\_revenues.html](http://www.sco.ca.gov/aud COURT_revenues.html)
- Judicial Council [www.courts.ca.gov/12050.htm](http://www.courts.ca.gov/12050.htm)

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*Summary of*  
**Court-Related Legislation**  
ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS  
ANNUAL SUPPLEMENT NOVEMBER 2013

**D**uring the first year of the 2013–2014 Legislative Session, the Legislature and Governor enacted numerous bills that affect the courts or are of general interest to the legal community. Brief descriptions of the measures of greatest interest follow, arranged according to subject matter.

New this year is a statement for each new or amended statute that has been determined to impact court operations and procedures. Also new this year is a table summarizing new laws that create or expand crimes.

2	Administration
3	Appellate
3	Budget
4	Civil
7	Court Facilities
7	Court Operations
7	Court Reporters
8	Criminal Law and Procedure
14	Domestic Violence

[WWW.COURTS.CA.GOV/DOCUMENTS/2013\\_LEGSUMMARY.PDF](http://WWW.COURTS.CA.GOV/DOCUMENTS/2013_LEGSUMMARY.PDF)

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## JUDICIAL COUNCIL

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**Judicial Council  
Uniform Bail and Penalty Schedules  
(Rule 4.102)**

- PC 1269b(c): requires that courts prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions.

The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.

- VC 40310: requires Judicial Council to annually adopt a uniform traffic penalty schedule for all non-parking Vehicle Code infractions.

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**Countywide Schedule of Bail**

- The judges in each county adopt a countywide bail schedule that sets bail based on the requirements that apply to that jurisdiction.
- Each countywide bail schedule may have bail amounts that are different from the council's bail amounts.
- You must contact the court where a case is filed to get local bail information for that court.

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**JC Uniform Bail and Penalty Schedules**

[www.courts.ca.gov/documents/MARCH-2014-JC-BAIL-SCHEDULE.pdf](http://www.courts.ca.gov/documents/MARCH-2014-JC-BAIL-SCHEDULE.pdf)

The Uniform Bail and Penalty schedules are revised to conform to recent legislation. The Judicial Council adopted the proposed March 2014 Uniform Bail and Penalty Schedule at the February 2014 council meeting.

**Purpose of schedules:**

1. To provide the standard bail amount, which for Vehicle Code offenses is the amount that may be used for a bail forfeiture instead of further proceedings.
2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense.

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**Questions?**

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July 2014



**Controller John Chiang**  
California State Controller's Office

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**Overview**

- State Controller's Office (SCO)  
Roles and Responsibilities
- Trial Courts Revenue Distribution  
Guide – Appendix C
- Additional Resources

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## State Controller's Office (SCO) Roles and Responsibilities

- Division of Audits
- Division of Accounting and Reporting
  - County Policy Section
- GC 71380 statutory requirements



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## Trial Courts Revenue Distribution Guide - Appendix C

- What it covers
- Where to find it
- How to use it
- Possible changes
- Legislation



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## Trial Courts Revenue Distribution Guide - Appendix C

- **Fees** – a sum paid or charged for a service
- **Fines** – a sum imposed as punishment
- **Forfeitures** – the loss of property or money through seizure
- **Penalties/Assessments** – a sum imposed as punishment in addition to a fine



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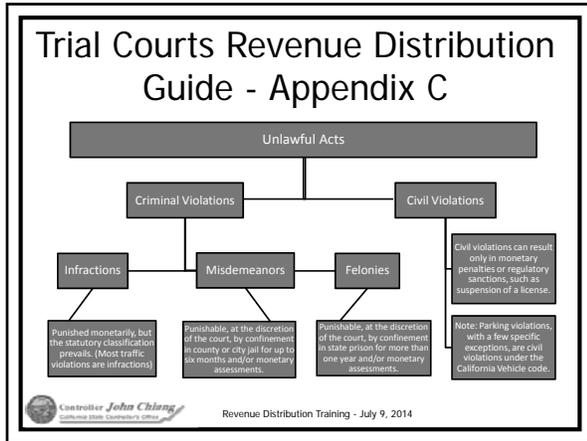
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### Trial Courts Revenue Distribution Guide - Appendix C

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### Trial Courts Revenue Distribution Guide - Appendix C

Revision 24  
Updated as of March 1, 2014

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Controller John Chiang

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**Additional Resources**

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**Additional Resources**

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**Additional Resources**

California Legislative Information

Old Website  
<http://leginfo.ca.gov>

New Website  
<http://leginfo.legislature.ca.gov>

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## Frequently Asked Questions

[www.sco.ca.gov/Files-ARD-Local/trial\\_court\\_revenue\\_distribution\\_faqs.pdf](http://www.sco.ca.gov/Files-ARD-Local/trial_court_revenue_distribution_faqs.pdf)

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### Trial Court Revenue Distribution Frequently Asked Questions



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## FAQ Categories

[www.sco.ca.gov/Files-ARD-Local/trial\\_court\\_revenue\\_distribution\\_faqs.pdf](http://www.sco.ca.gov/Files-ARD-Local/trial_court_revenue_distribution_faqs.pdf)

- 1. General Questions
- 2. Appendix C
- 3. Statutes
- 4. Parking
- 5. Collections
- 6. Distribution Calculations
- 7. Distribution Spreadsheets
- 8. Audit
- 9. Operations
- 10. Judicial Action
- 11. Training

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## Questions Summarization

- 151 Questions
- Some responses still pending
- FAQ's to be updated based on today's training

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## Questions

Afternoon breakout panel  
to address major questions

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## Morning Break

(15 Minutes please)

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**Court Revenue Distribution Training**  
July 2014



**Controller John Chiang**  
California State Controller's Office

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**SCO Court Revenue Audits**



[http://www.sco.ca.gov/aud\\_court\\_revenues.html](http://www.sco.ca.gov/aud_court_revenues.html)

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**SCO Court Revenue Audits**

**Common findings:**

- Fees being deducted from Traffic Violator School (TVS) bail
- 30% Distribution from Red Light/ Railroad Violations
- 50/50 Split
- Maintenance of Effort payments

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### Audit Comments

- Minimize Under-Remittance Penalties
  - Penalties for Under-Remittance to the State
- Destruction of Records Between Audits
 

(FIN Manual - Record Retention, Policy FIN 12.01, 6.1)

  - Records: Receipts for Fines, Fees, Penalties Collected and other collection receipts
  - Retention: Current year plus four additional years (or from the close date of the State Controller's Office audit, whichever is longer)
  - Suggestion: Confirm with SCO before destroying records

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### California Statutes

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### New Statutory Changes

Governor signs legislation that will effect distributions.

Some keys to be aware of:

- Chapter date
- Effective date
- Urgency legislation
- Sunset date

Example:

AB 2094, effective 01/01/13, increased the domestic violence fee from a minimum of \$400 to a minimum of \$500, and requires the court to state a reason on the record if it reduces or waives the minimum fee.

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### BASIC RULES

- 7 of 10 "or portion thereof" concept (round-up)
- "Not withstanding any other provision of law"
- Discretionary language – *May, Should*
- Mandatory language – *Shall, Must, Will*

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### BASIC RULES

- Base fine and enhancement
- Waivers, community service, jail time
- Arresting Agencies (City, Sheriff, CHP)
- Local ordinances (i.e., GC 76000 local penalties)
- Timely update of master distribution tables – plan ahead and prepare for changes

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### BASIC RULES

- If new statutory sections impose fines, which are punitive, the increased amounts may only be imposed on convictions for violations that occurred on the date of the increase (which for many new statutes is January 1, 2014) or afterwards. (fees not mentioned above!)
- Imposing the increased fines on violations that occurred prior to the date of the increase would violate ex post facto prohibitions.

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### BASIC RULES

- Top Down vs. Bottom Up Assessments

PC 1463.004: If a sentencing judge specifies only the total fine or forfeiture, or if an automated case-processing system requires it:

- Percentage calculations may be employed to establish the components of total fines or forfeitures
- Provided that the aggregate monthly distributions resulting from the calculations are the same as would be produced by strict observance of the statutory distributions.

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### Proration Concept

- Judicial Assessment

- Less than the mandatory statutory requirements
- What gets covered on collections and then distribution?
- Be consistent in method!!!

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### Distribution Based Upon Probability Sampling – Another Option

1463.5. The distribution of funds required pursuant to Section 1463, and the distribution of assessments imposed and collected under Section 1464 and Section 42006 of the Vehicle Code, may be determined and made upon the basis of probability sampling. The sampling shall be procedural in nature and shall not substantively modify the distributions required pursuant to Sections 1463 and 1464 and Section 42006 of the Vehicle Code. The procedure for the sampling shall be prescribed by the county auditor and the procedure and its implementation shall be approved by the board of supervisors and a majority of the cities within a county. The reasonableness of the distribution shall be verified during the audit performed pursuant to Section 71383 of the Government Code.

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### VC 40508.6

Example of reading statute:

**40508.6.** The superior court in any county may establish administrative assessments, not to exceed ten dollars (\$10), for clerical and administrative costs incurred for the following activities:

(a) An assessment for the cost of recording and maintaining a record of the defendant's prior convictions for violations of this **code**. The assessment shall be payable at the time of payment of a fine or when bail is forfeited for any subsequent violations of this **code** other than parking, pedestrian, or bicycle violations.

(b) An assessment for all defendants whose driver's license or automobile registration is attached or restricted pursuant to Section 40509 or 40509.5, to cover the cost of notifying the Department of Motor Vehicles of the attachment or restriction. [Report FTA / FTP to DMV]

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### Some Specific Statutes

- State Penalty
- Local Penalties - Gov. Code 76000
- Additional State and Local Penalties
- Late Penalty Charge

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### State Penalty – PC 1464

- There shall be levied a state penalty in an amount equal to \$10 for every \$10 or fraction thereof, upon every fine, forfeiture or penalty imposed on criminal offenses with some exceptions listed at PC 1464(a) (1).
- After a **determination by the court** of the amount due, the clerk of the court shall collect the penalty and transmit it to the county treasury.
  - Seventy percent (70%) of the remaining balance shall be transmitted to the state treasury for deposit in the State Penalty Fund
  - Thirty percent (30%) remaining to stay on deposit in the county general fund.
- The State Penalty Fund is further distributed to various state funds in percentages specified in PC 1464 (f).

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### State Penalty – PC 1464

**1464.**

(a) (1) Subject to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and except as otherwise provided in this section, there shall be levied a state penalty in the amount of ten dollars (\$10) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

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### State Penalty – PC 1464

(3) The penalty imposed by this section does not apply to the following:

- (A) Any restitution fine.
- (B) Any penalty authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code.
- (C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.
- (D) The state surcharge authorized by Section 1465.7.

(b) Where multiple offenses are involved, the state penalty shall be based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.

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### Local Penalties – Gov. Code 76000 (a)

**76000.** (a) (1) Except as otherwise provided elsewhere in this section, in each county there shall be levied an additional penalty in the amount of seven dollars (\$7) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

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### Gov. Code 76000 (a)

#### 76000. (a) (2)

- This additional penalty shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code.
- These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.
- The county treasurer shall deposit those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter.
- However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

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### Gov. Code 76000 (a)

(a) (3) This additional penalty does not apply to the following:

- (A) Any restitution fine.
- (B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.
- (C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.
- (D) The state surcharge authorized by Section 1465.7 of the Penal Code.

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### Local Penalties – Gov. Code 761xx Funds

- 76100 Local Courthouse Construction Fund (BOS)
- 76101 Criminal Justice Facilities Construction Fund (BOS)
- 76102 Automated Fingerprint/Digital Image Identification Fund (BOS)
- 76104 Emergency Medical Services Fund (BOS)
- 76104.5 DNA Identification Fund (BOS)

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### Additional State and Local Penalties

Additional State and Local Penalties:

- 76000.5 Emergency Medical Services Add'l Penalty (BOS: 2/10)
- 76000.10(c) Emergency Medical Air Transportation (\$4 per VC conviction)
- 76104.6 DNA Identification Fund (1/10; 75% County/25% State split)
- 76104.7 State DNA Identification Fund (4/10)
- 70372 Immediate and Critical Needs Account (same \$ as LCCF) and State Court Facilities Construction Fund (remainder of 5/10)

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### Late Penalty Charge

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

The 20 days shall be counted from the mailing of a notice that the penalty has been assessed. See next page for a sample calculation.

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#### Sample Calculation of Late Charge

1 Base fine		\$	25.00
2 Enhancement for one prior conviction		+	10.00
	<b>ENHANCED BASE FINE</b>	\$	35.00
Additional penalties ( PC 1464 and GC 70372,76000,76000.5, 76104.6 , and 376104.7)	= \$29 TIMES 4	+	116.00
4 EMAT penalty for conviction of Vehicle Code violation (GC 76000.10(c)(1))		+	4.00
	<b>INITIAL PENALTY</b>	\$	155.00
5 Night court assessment (VC 42006)		+	1.00
6 Administrative assessment for maintaining a record of priors (VC 40508.6)		+	10.00
7 Surcharge on base fine (PC 1465.7)		+	7.00
8 Court operations assessment (PC 1465.8)		+	40.00
9 Conviction assessment (GC 70373(a)(1))		+	35.00
	<b>TOTAL DUE W/O LATE CHARGE</b>	\$	248.00
10 Late charge (VC 40310) [50% of initial penalty]		+	77.50
	<b>TOTAL DUE WITH LATE CHARGE</b>	\$	325.50

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**Court Revenue Distribution Training**  
July 2014



**Controller John Chiang**  
California State Controller's Office

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**Overview**

- 20% State Surcharge
- 2% State Automation
- Installment Payment Fees
  - Penal Code
  - Vehicle Code
- Priority of Installment Payments
- Maintenance of Effort (MOE) Payments
- Traffic Violator School Fee (TVS)
- Penalty for Parking Offenses GC 76000 (b), GC 70372 (b) & GC 76000.3



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**20% State Surcharge**  
**PC 1465.7**

PC 1465.7

(a) A state surcharge of 20 percent shall be levied on the base fine used to calculate the state penalty assessment as specified in subdivision (a) of Section 1464.

(b) This surcharge shall be in addition to the state penalty assessed pursuant to Section 1464 of the Penal Code and may not be included in the base fine used to calculate the state penalty assessment as specified in subdivision (a) of Section 1464.

(c) After a determination by the court of the amount due, the clerk of the court shall cause the amount of the state surcharge collected to be transmitted to the General Fund.



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## 2% State Automation GC 68090.8

GC 68090.8 requires that 2% of all fines, penalties, and forfeitures collected in criminal cases, be remitted to the State Trial Court Improvement and Modernization Fund to finance court administrative automation projects.

This is a distribution, not an additional fine or fee.



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## 2% State Automation GC 68090.8

The 2% deposit for automation list provided below is not an all-inclusive list; the code supersedes any list provided.

- 2% deposit for automation (GC 68090.8) – **Applies to:**
  - The state penalty (PC 1464)
  - The local additional penalty (GC 76000)
  - The state court construction penalty (GC 70372)
  - The Proposition 69 DNA Identification Penalty (GC 76104.6)
  - The DNA Additional Penalty Assessment (GC 76104.7)
- 2% deposit for automation (GC 68090.8) – **Does not apply to:**
  - 20% state surcharge (PC 1465.7)
  - The conviction assessment (GC 70373)



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## Installment Payment Fee PC 1205

PC 1205

(d) Nothing in this section shall be construed to prohibit the clerk of the court, or the judge if there is no clerk, from turning these accounts over to another county department or a collecting agency for processing and collection.

(f) This section shall not apply to restitution fines and restitution orders.



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### Installment Payment Fee PC 1205

PC 1205

(e) The defendant shall pay to the clerk of the court or the collecting agency a fee for the processing of installment accounts. This fee shall equal the administrative and clerical costs, as determined by the board of supervisors, or by the court, depending on which entity administers the account.

The defendant shall pay to the clerk of the court or the collecting agency the fee established for the processing of the **accounts receivable** that are not to be paid in installments.

The fee shall equal the administrative and clerical costs, as determined by the board of supervisors, or by the court, depending on which entity administers the account, except that the fee shall not exceed thirty dollars (\$30).



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### VC Installment Payments Fee VC 42007(a)(2)

VC 42007(a)(2)

- The clerk may accept from a defendant who is ordered or permitted to attend traffic violator school a payment of at least 10 percent of the fee required by paragraph (1) upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court.
- The clerk shall collect a fee of up to thirty-five dollars (\$35) to cover administrative and clerical costs for processing an installment payment of the traffic violator school fee under this paragraph.



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### VC Installment Payments Fee 40510.5(a) and (g)

VC 40510.5(a) and (g)

(a) The clerk of the court may accept a payment and forfeiture of at least 10 percent of the total bail amount for each infraction violation of this code prior to the date on which the defendant promised to appear, or prior to the expiration of any lawful continuance of that date, or upon receipt of information that an action has been filed and prior to the scheduled court date, if all of the following circumstances exist: . . .

(g) The defendant shall pay to the clerk of the court or the collecting agency a fee for the processing of installment accounts. This fee shall equal the administrative and clerical costs, as determined by the board of supervisors or by the court, except that the fee shall not exceed thirty-five dollars (\$35).



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### Priority of Installment Payments PC 1203.1d

Section provides for a mandatory prioritization in the distribution of all installment payments, as follows:

- 1) Restitution orders to victims (PC Section 1202.4(f)).
- 2) 20% State Surcharge (PC Section 1465.7).
- 3) Any fines, penalty assessments, and restitution fines (PC Section 1202.4 (b)). Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items.
- 4) Other reimbursable costs.

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### Special Priority Within Priority 3

PC 1463.18(a)(1) - The first twenty dollars (\$20) of any amount collected for a conviction shall be transferred to the Restitution Fund. This amount shall be aggregated by the county treasurer and transferred to the State Treasury once per month for deposit in the Restitution Fund.

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### Common Distributions for Priority 3

- 2% Automation Fee (GC 68090.8)
- "Fees" that increase the total fine:
  - Criminal Laboratory Analysis Fee (H&S 11372.5)
  - Drug Program Fee (H&S 11372.7)
- Fines or additional fines examples:
  - AIDS Education Program (PC 1463.23)
  - Additional Fine for Robbery, Burglary, etc. (PC 1202.5)
  - DUI Assessments: (PC 1463.14(a), PC 1463.16(a) and (b), and PC 1463.18)

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### Common Distributions for Priority 3

- Penalty assessments or penalties examples:
  - Alcohol Abuse & Education Assessments (VC 23645)
  - Alcohol & Drug Problem Assessments (VC 23649)
  - Warrant Assessment (VC 40508.5 and PC 853.7a(a))
  - Fish and Game Additional Penalty (F&G 12021)
  - State Construction Penalties (GC 70372)
  - State Penalty Assessment (PC 1464)
  - Local Penalty Assessment (GC 76000)


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### Common Distributions for Priority 4

- Other reimbursable costs:
  - In general, administrative fees and assessments and reimbursements for services fall into this classification.
- For example:
  - Installment/Accounts Receivable Fee (PC 1205(d))
  - Warrant/Hold Assessment Fee (VC 40508.6)
  - Prior Conviction Fee (VC 40508.6)
  - Citation Processing Fee (PC 1463.07)
  - Administrative Screening Fee (PC 1463.07)
  - Civil Assessment (PC 1214.1)


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### Common Distributions for Priority 4

- Additional examples:
  - Cost of Probation Fee (PC 1203.1b)
  - Cost of Incarceration Fee (PC 1203.1c)
  - Cost of Parole Supervision Fee (PC 1203.1f)
  - Driving Under the Influence Assessment (PC 1463.14(b))
  - 10% Restitution Reimbursement Fee (PC 1202.4 (l))
  - Night Court Assessment (VC 42006)


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### Maintenance Of Effort (MOE) Payments

- Besides monthly remittances of various criminal fines, fees and penalties to the State, the county also must remit the following Maintenance of Effort (MOE) payments:
  - GC 77205 Fifty Percent Excess Revenue Distribution
  - GC 77201.3 County Maintenance of Effort for Court Operations
  - GC 70353 Court Facilities Trust Fund
- These MOE distributions have been developed by the Legislature to mitigate some of the consequences of transferring financial responsibility for court operations from the counties to the state. MOE remittances are all listed on the TC-31 report.


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### Fifty Percent Excess Revenue Distribution GC 77205

- As a result of the transfer of responsibility for the courts to the State, county general funds now benefit from increases in fines, fees, and forfeitures that would previously have gone to the State.
- GC 77205 provides that, for specified revenues, the amount of benefit the county general fund receives from these increases are to be shared with the State.
- If in any fiscal year a county collects more moneys in specified court revenues for deposit in the county general fund than the amount listed for that county in GC Section 77201.1, 50% of the amount in excess of the GC 77201.1 threshold is remitted to the State for deposit in the Trial Court Improvement and Modernization Fund. The remaining 50% is retained by the county general fund.


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### The Basis of the Fifty Percent Excess Revenue

The GC 77205 excess fine and forfeiture revenue calculations are made on the county general fund moneys that are collected from the following sources:

- PC 1463.001 (County Arrest) fines – 75% of base fine.
- PC 1463.001 (City Arrest) fines – 75% of county percentage as listed in PC 1463.002.
- PC 1464 State Penalty – 30%, including traumatic brain penalty. Does not include VC 40611 or fish and game amount.
- VC 42007 Traffic Violator School fees – 77% of collections distributed to the county general fund. Does not include distributions to the Maddy Emergency Medical Services Fund, Courthouse Construction Fund, Criminal Justice Facilities Construction Fund, or to the cities.


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### The Basis of the Fifty Percent Excess Revenue

Additional sources include:

- VC 42007.1 Traffic Violator School \$24 fee – 100% of collections.
- VC 42008 Amnesty fees (distribution repealed so activity is unlikely) – 100% of funds that would have been remitted to the State General Fund on December 31, 1997.
- GC 27361 Recording and Indexing fee – \$1 fee pursuant to section (b).
- PC 1463.07, formerly GC 29550(f), Administrative Screening and Citation Processing fee – 100% of collections.
- GC 76000 – \$2 portion of every parking fee – 100% of collections.


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### The Basis of the Fifty Percent Excess Revenue

Additional sources include:

- Of the amount that exceeds the county's total in GC 77201.1(b)(2) version effective July 1, 1999, 50% is remitted to the State Trial Court Improvement and Modernization Fund and 50% is deposited in the county general fund.
- The calculations would be made after any deductions for eligible comprehensive collection costs pursuant to PC 1463.007.

**Note: The county should make the calculation either based on the accrual basis (July through June collection months) or on the cash basis for the fiscal year. The calculation should be consistently applied thereafter as either cash or accrual.**


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### Fifty Percent Excess Revenue Distribution GC 77205

- The essential process is to calculate the revenue the county general fund has received from the eight specified fine, fee, and forfeiture, statutes specified in GC 77205; compare that amount to the statutory threshold listed in GC77201.1; and remit 50% of the difference.
- A significant complication in this calculation is that this revenue calculation is to be based on the applicable statutes as they read on December 31, 1997. Santa Cruz base revenue obligation is \$ 1,902,096, according GC 77201.1 (b) (2) commencing on Dec 31, 1999.


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**Traffic Violator School Fee (TVS)**  
**VC 42007**

- Traffic violators are often given the option of attending Traffic Violators School (TVS). In current law, successful completion of TVS resulted in the dismissal of the underlying offense.
- Attending TVS does not directly reduce the monetary punishment of the violator. The "confidential" nature of the conviction, however, can have a positive effect on the violator's insurance rates.
- VC 42007(d)(NOTICE) effective July 1, 2011: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected. One conviction in any 18-month period will be held confidential and not show on your driving record if you complete a traffic violator school program.

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**Traffic Violator School Fee (TVS)**  
**VC 42007**

- The TVS fee includes "an amount equal to the total bail set forth for the eligible offense on the uniform county made bail schedule. As used in this subdivision, 'total bail' means the amount established pursuant to PC 1269b in accordance with the Uniform Statewide Bail schedule adopted by the judicial Council, including all assessments, surcharges, and penalty amounts." VC 42007(a)(1)
- The TVS fee is distributed pursuant to VC 42007. From the fee, \$1 is distributed to the County Courthouse Construction Fund and to the County Criminal Justice Facilities Construction Fund, if established.

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**Traffic Violator School Fee (TVS)**  
**VC 42007**

- In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount equal to the sum of each two dollars (\$2) for every seven dollars (\$7) that would have been collected pursuant to Section 76000 of the Government Code and, commencing January 1, 2009, an amount equal to the sum of each two dollars (\$2) for every ten dollars (\$10) that would have been collected pursuant to Section 76000.5 of the Government Code with respect to those counties to which that section is applicable shall be deposited in that fund (VC 42007(b)(2)).

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**Traffic Violator School Fee (TVS)  
VC 42007**

- If the arrest was a city arrest, the amount equal to the amount that the city would have received pursuant to PC 1463.001(b)(3), shall be deposited in the treasury of the appropriate city.
- The amount of the fee attributable to the State Courthouse Construction Penalty GC 70372(a) is distributed pursuant to subdivision (f) of that section.

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**Additional TVS Fee  
VC 42007.1**

- In addition to the TVS fee imposed in accordance with VC 42007(a), TVS participants are also required to pay:
  - \$49 Additional TVS Fee (VC 42007.1)
  - \$3 DMV Admin Fee (VC 11208 (c))
- Pursuant to VC 11205.2 (c), the Court may also assess an additional fee (up to actual costs) for costs incurred by a traffic assistance program.
- The fee collected under this section shall be deposited in the county general fund. 51% of this fee is distributed monthly to the State for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund; the balance is retained by the county general fund.

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**Penalty for Parking Offenses  
GC 76000 (b)**

- In each authorized county, provided that the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to **each authorized fund** established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of \$2.50 shall be included in the total penalty, fine, or forfeiture.
- Each agency which elects to process parking violations shall pay to the county treasurer two dollars and fifty cents (\$2.50) for **each fund** for each parking penalty collected on each violation which is not filed in court.
- Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund.

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**Penalty for Parking Offenses  
GC 76000 (b)**

- This \$2.50 added penalty can be added to each of the following funds, Courthouse Construction Fund (GC 76100(a)) and the Criminal Justice Facilities Construction Fund (GC 76101(a)), if the county has established these funds.
- This amount is assessed on each parking offense; multiple offenses on a single parking citation would result in multiple assessments. This assessment applies only to civil parking offenses; it does not apply to proof of correction citations or criminal parking offenses. \$1.50 of this penalty is distributed to the local courthouse construction fund and the remaining \$1 is distributed to the county general fund.

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**Penalty for Parking Offenses  
GC 76000 (b)**

- After a county has transferred its court facilities to the State, it must reduce the Courthouse Construction Fund penalty to \$1 which is distributed to the county general fund unless money is still needed to pay for construction and debt authorized by GC 76100 and started prior to the transfer of responsibility from the county to the Judicial Council. A county's authority to assess the Criminal Justice Facilities Construction Fund penalty is unaffected by the transfer of its court facilities to the State.

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**State Court House Construction Penalty  
GC 70372 (b)**

- In addition to the penalty provided by GC 70372(a), an added state court construction penalty of \$4.50 is levied on every parking offense where a parking fine, penalty, or forfeiture is imposed. It shall be included in the total penalty, fine, or forfeiture.
- Each agency that elects to process parking violations shall pay to the county treasurer four dollars and fifty cents (\$4.50) for the parking penalty imposed by this subdivision for each violation that is not filed in court.
- The payments to the county treasurer shall be made monthly, and the county treasurer shall transmit these sums as provided in paragraph (2) of subdivision (f) of GC 70372 (b).

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### State Parking Penalty GC 76000.3

- Notwithstanding any other provision of law, for each parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of three dollars (\$3) shall be imposed in addition to the penalty, fine, or forfeiture set by the city, district, or other issuing agency.
- For each infraction parking violation for which a penalty or fine is collected in the courts of the county, the county treasurer shall transmit the penalty imposed pursuant to subdivision (a) to the Treasurer for deposit in the Trial Court Trust Fund established by Section 68085.
- These moneys shall be taken from the penalties, fines, and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate for infraction parking violations to reflect the added penalty provided for by subdivision (a).

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### State Parking Penalty GC 76000.3

- Each agency that elects to process parking violations shall pay to the Treasurer for deposit in the Trial Court Trust Fund three dollars (\$3) for each civil parking penalty collected on each violation. Those payments to the Treasurer shall be made monthly.

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		DISTRIBUTION REQUIREMENTS				
RECIPIENT	APPLICABLE FUND	BOS	AMOUNT	Ticket		
San Francisco TC	202.1 Parking Meter/Downtown				\$ 72.00	
<b>Specific Distributions</b>						
2 Gov. Code section 70372(b)	State	State Court Facilities Construction Fund		\$ 4.50		
		Immediate and Critical Needs	GC 70373.5	1/3	1.50	
				2/3	3.00	
3 Gov. Code section 76000 (b)	County	Courthouse Construction Fund	GC 76100	BOS \$ 1.50	100%	
				\$ 1.50	1.50	
		Criminal Justice Construction Fund	GC 76101	BOS \$ 1.50	100%	
				\$ 1.50	1.50	
4 Gov. Code section 76000 (c)	County	County General Fund		\$ 1 / \$2.50	2.00	
5 Gov. Code section 76000.3	State			\$3.00	3.00	
<b>Total Specific Distributions</b>					\$ 12.50	
<b>Amount to distribution to 'city' of the residual amount</b>					\$ 59.50	
					<b>Distribution by Entity</b>	
					City \$ 59.50	
					County 5.00	
					State 7.50	
					\$ 72.00	

NOTES:  
1 BOS - Board of Supervisors of the County  
2 GC Section 70372(b) amount is reduced to \$3 as of the date of transfer of responsibility for facilities from the county to the Judicial Council pursuant to Article 4 commencing with Section 5002 of Chapter 10, to be used to repay a loan for stand-alone provided from Section 5002. Note that the amount prior to the transfer of responsibility for facilities from the county to the Judicial Council.  
3 GC Section 76000(b) is the amount of \$3 of every \$3 collected pursuant to subdivision (b) of 76000.  
4 GC Section 76000(c) is the amount of \$3 of every \$3 collected pursuant to subdivision (c) of 76000.  
5 GC Section 76000.3 is the amount of \$3 of every \$3 collected pursuant to subdivision (a) of 76000.  
6 BOS - Board of Supervisors of the County  
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### Afternoon Program

12:00 to 1:00 LUNCH

1:00 to 2:30 Panel of Experts -

- Frequently Asked Questions

2:30 to 2:45 Closing

2:45 to 3:00 Break

- Also meet/talk to panel members

3:00 to 4:30 Distribution Spreadsheets

1. Basic and Special Distribution Calculations
2. Build Your Own Spreadsheets Instruction

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### Lunch Break

(60 minutes please)

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# Panel of Experts

## Frequently Asked Questions

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## Experts

<p><u>SCO</u></p> <p>Jim Reisinger Bob Stonehouse</p> <p><u>Court</u></p> <p>Ray Tickner</p>	<p><u>JC</u></p> <p>John Judnick Robert Cabral</p> <p><u>County</u></p> <p>Tex Ritter</p>
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## Trial Court Revenue Distribution Frequently Asked Questions




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**CLOSING**

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**Instruction Goals and Expectations**

**Covered the Following:**

- Identified sources of resource materials for distribution calculation, analysis, and research.
- Provided an overview of statutes involved in distributions.
- Panel of experts reviewed and discussed frequently asked distribution questions.

**Will Cover Next:**

- Distribution worksheets: Walked-through and explained calculations of distribution examples for select case types using worksheet tools and explained how to build a worksheet. (Special session at 3:00 p.m. today)

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**Questions and Answers**

- All questions submitted to be discussed
- Responses to be discussed between SCO and JC
- FAQ's to be updated

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**Other Items**

- Evaluations
- Distribution Questions
- Next Distribution Training -
  - ✓ November 2014
  - ✓ Webinar
  - ✓ New 2014 statutes affecting distributions

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**Afternoon Break**

(15 minutes please)

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**THE END**

THANK YOU

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## Distribution Spreadsheets

3:00 to 4:30 p.m.

1. Basic Distribution Calculations
2. Special Distributions
3. Build your own spreadsheets instruction

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