Revenue Distribution Training Spring 2021



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

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OPENING REMARKS

Dave O'Toole, Chief Operating Officer, California State Controller's Office

Zlatko Theodorovic, Deputy Director, Judicial Council Budget Services

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INTRODUCTION

Donna Newman

Judicial Council of California

Funds and Revenue Unit

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Housekeeping

- Please put yourself on Mute
- Use WebEx "chat" feature or use the "Ask to Speak" button to get the attention of the host
- · Time for Questions between sections
- Evaluation Questionnaire
- PowerPoint and Audio on Website <u>http://www.courts.ca.gov/revenue-distribution.htm</u>

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Agenda

- Introduction
- Legislative updates
- Uniform Bail and Penalty Schedule
- Collections updates
- Franchise Tax Board overview
- Trial Court Revenue Distribution Guidelines
- Distribution Audit Issues

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Training Goals

- Provide an opportunity to learn important information
- Present information and updates on collections and revenue distribution
- Share resource materials for distribution calculations, analysis, and research
- Review and discuss frequently asked questions about collections and distributions
- Provide experienced coaching on using distribution worksheets

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Training Materials

- PowerPoint Presentation
- · Training Agenda
- · Resources & Links
- · Distribution of Fines, Penalties & Fees
- Legislative Updates
- Uniform Bail and Penalty Schedules
- Materials for all Break-out Sessions
- FAQs (optional)

Training Materials on Website

http://www.courts.ca.gov/revenue-distribution.htm

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Faculty and Contacts

Judicial Council

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Faculty

Franchise Tax Board

Court-Ordered Debt:

Rashan Anderson, Supervisor

Interagency Intercept Collections:

Arlene Cochrane, Administrator I

Faculty:

Subject Matter Experts

Merced Superior Court:

Keri Brasil, Chief Financial Officer

Ventura Superior Court:

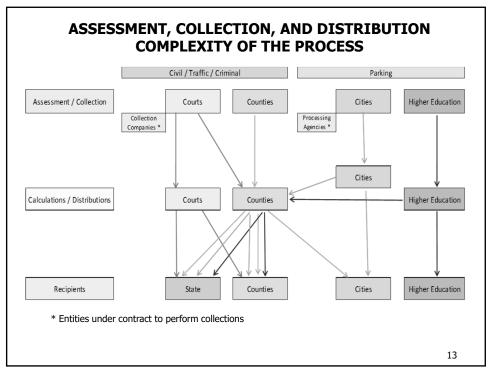
Richard Cabral, Director Collections and Finance Melanie Munoz, Senior Manager, Collections

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Introduction to Distributions

Interrelationships & Resources



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Revenue Distribution Resource Interrelationships

- Distribution Guides:
 - Statutes
 - Trial Court Revenue Distribution Guidelines
 - · Uniform Bail and Penalty Schedule
 - Revenue Distribution Worksheets
 - FAQs

Updates on Recent Legislation



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Court-Related Legislation 2020

Court-Related Legislation

uring the second year of the 2019-2020 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 fol-low, arranged according to subject matter. Also included is a table summarizing new laws that create new crimes or expand existing crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found.

The effective date of legislation is stated with each measure. Urgency measures normally take effect upon enactment, and some other measures have early or delayed operative dates.

This Summary is intended to serve only as a guide to identify bills of interest; the bill descriptions are not a complete state-ment of statutory changes. Code section references are to the sections most directly affected by the bill; not all sections are necessarily cited.

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in West's California Legislative Service or California Deering's Advance Legislative Service, where they are published by chapter number. In addition, chaptered bills and legislative committee analyses can be accessed on the internet at http://leginfo.legislature.ca.gov. Individual chapters may be ordered directly from the Legislative Bill Room, State Capitol, 10th Street, Room B32, Sacramento, California 95814, 916-445-2323.

- Administrative
 Appellate Procedure
 Budget Judicial Branch Impact
 Budget No Judicial Branch Impac
 Child Welfare
 Civil
- 11 Collaborative Court
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 12 Court Operat
 13 Court Record
 13 Criminal Law
 17 Domestic Vio
 18 E-Filing
 18 Family Law

- 20 Juries
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 21 Labor / Employee-Employee
 24 Probate and Mental Health
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- 26 State Bar / Practice of Law

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 Responding to California J
 and Supreme Court Decisi

Court-Related Legislation 2020

APPENDIX G

2020 NEW AND EXPANDED CRIMES								
BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW						
AB 376 (Stone, Mark), CH. 154	CIV add 1788.100 et seq.; FIN amend	Expands the scope of a crime by authorizing the Commissioner of Business Oversight to require student loan servicers to file, under						
Effective/Operative Date: January 1, 2021	28104, 28112, 28130, 28140, repeal	oath or otherwise, annual or special reports or answers in writing to specific questions under penalty of perjury.						
Student loan servicing	28134, 28136							
AB 793 (Ting), CH. 115	PRC amend 14549.3,	Expands the scope of crimes by (1) amending the California						
Effective/Operative Date: January 1, 2021	add 14547, 18017	Beverage Container Recycling and Litter Reduction Act, a violation of which is a crime; and (2) requiring a plastic material reclaimer						
Recycling: plastic beverage containers: minimum recycled content		and a manufacturer of postconsumer recycled plastic to report required information to the Department of Resources Recycling and Recovery under penalty of perjury.						
AB 841 (Ting), CH. 372	PUC amend 740.12,	Amends the Public Utilities Act, a violation of which is a crime,						
Effective/Operative Date: January 1, 2021	add 740.18, 740.19, 740.20, add and	to (1) make changes to deployment of electric utility ratepayer- funded electric vehicle charging infrastructure investments within						
Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program	repeal 1600 et seq.	the jurisdiction of the California Public Utilities Commission; and (2) establish a new program at the California Energy Commissio to fund appliance, plumbing and heating, ventilation, and air conditioning upgrades to schools using electric ratepayer-funder energy efficiency incentives.						

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2021 Legislative Update

2019-20 Stats:

- 4,848 bills introduced
- 1,668 bills (34%)
 Government Affairs tracking
- 175 with Court Operations impact
- 12 with impacts to revenues
- · Highlighted 4 of these bills

2021-22 Stats:

• 2,582 bills introduced

- 1,025 bills (40%) Government Affairs tracking
- ≈50 with Court Operations impact
- 4 with impacts to revenues
- Highlighting 3 of these bills

8.

2021 Legislative Update

AB 618

- Beginning Jan. 2022, requires courts to offer payment plans
- Applies to cases with:
 - Fines/fees over \$500 (excl. restitution)
 - Defendant can pay w/ a credit card.
- 5% reduction with autopay enrollment

SB 355

- Modifies civil fee waiver eligibility standards:
 - Adds other types of public benefits
 - Adopts higher income threshold based on federal rent affordability (HUD)
- Could increase current annual income threshold from \$16k to \$98k
- 2019 CA median family income: \$91k.

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2021 Legislative Update

AB 1104

- Makes EMAT fee permanent effective 1/1/2022
- EMAT currently expires 7/1/2021
- Noting issue of 6-month gap, unlikely to be addressed by urgency.

SB 586

- Eliminates a variety of criminal fines/fees/penalties, including civil assessment.
- Approx. \$190 m reduction to annual branch revenues (19-20)
- Eliminates uncollected/delinquent debt from fees

2021 Revenue and CJ Reform

- 50+ bills seek to make major changes to Criminal Justice System (fines/fees, sentencing, retroactive expungement)
- Legislature sets policy, executive enforces, judiciary reviews & interprets.
- Advocacy Approach
 - Revenue: Calculate reduction, note impact to branch funds
 - CJS Changes: Note workload impact, calculate if possible
 - Technology: Identify impact & cost implications

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Legislative Update

Interested in following the progress of legislation?

Visit the courts website at: http://www.courts.ca.gov/4121.htm

View Links for:

- · Active Legislation, and/or
- Legislative Status Charts.
- Past legislation (NEW!!!)

Check periodically to see how the bills you care about change over the course of the legislative session. Watch for page changes.

OR, visit California Legislative Information at: http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml

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Questions?

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Road Map

Uniform Bail and Penalty Schedules

> Ability to Pay and Online Traffic Adjudication

Jamie Schechter, Attorney Criminal Justice Services | Judicial Council of California

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Uniform Bail and Penalty Schedules (UBPS)

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Uniform Bail and Penalty Schedules

2021 EDITION

(Cal. Rules of Court, rule 4.102)

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



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What is bail?

"Regular" bail:

- Defendants generally have a right to be released from custody before trial.
- Cash bail or a secured bail bond is used to ensure that the defendant appears in court on their case.

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Traffic Bail Under UBPS

- For certain offenses a penalty in the form of a fine can be "forfeited" and cancel the need for any further court proceedings (VC § 40512 emphasis added)
- Payment is treated as a conviction for the offense (VC § 13103)



What UBPS Includes

Mandatory Schedule:

traffic infractions



Suggested Base Fines:

- traffic misdemeanors
- boating
- forestry
- fish and game
- · public utilities
- parks and recreation
- business licensing

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Exceptions to the UBPS

The following counties may exceed the UBPS traffic infraction schedule:

1. Alpine	11. Lassen	21. San Joaquin
2. Amador	12. Los Angeles	22. Santa Clara
3. Butte	13. Madera	23. Sierra
4. Calaveras	14. Mariposa	24. Stanislaus
5. Contra Costa	15. Mendocino	25. Sutter
6. Del Norte	16. Modoc	26. Trinity
7. Fresno	17. Mono	27. Tulare
8. Humboldt	18. Plumas	28. Tuolumne
9. Kings	19. San Benito	29. Yolo
10. Lake	20. San Diego	30. Yuba

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Traffic Infraction Schedule

Infraction Category	Severity of Offense	Base Fine
1	Bicyclist, motorized scooter, pedestrian, pocket bike, vehicle registration and equipment offenses	\$25
2	Driver's license, operation of vehicle, and size and load offenses	\$35
3	Substance abuse infractions, VC 2818 (trespassing electronic beacon), VC 20004 (reporting deaths,) VC 21706.5 (operation of vehicle in emergency accident zone), VC 27375 (modified limousines)	\$70
4	Miscellaneous offenses for which the penalties or the fee for dismissal with proof of correction are specifically set by the Vehicle Code, speeding offenses (refer to Speed Chart), and infractions pursuant to PC 19.8	Depends

Total Bail for Infractions

Base Fine + Penalties & Surcharge + Fees = Total Bail

Category	Base Fine	Penalties & Surcharges	Fees	Total Bail/Fees						
1	\$25	\$96	\$75	\$196						
2	\$35	\$127	\$75	\$237						
3	\$70	\$221	\$75	\$366						
4		Depends on base fine								

Total Bail Cont'd.

Suggested minimum "Total Bail" for an offense not specifically listed in the following schedules, unless a California code or regulation specifies otherwise, are:

Type of	Offense	Base Fine	Penalties & Surcharges	Fees	Total Bail/Fees
Traffic Misdeme	anor	\$75	\$251	\$70	\$396
Public Utilities		\$185	\$588	\$70	\$8 4 3
Boating, Business Licensing, Fish	Misdemeanor	\$100	\$310	\$70	\$480
& Game, Forestry, or Parks & Rec	Infraction	\$35	\$123	\$75	\$233

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State penalty assessment ("State PA")	Penal code § 1464	\$10 assessment for every \$10 or part of \$10 fine	State penalty fund, goes to law enforcement training, restitution fund, etc.			
County penalty assessment ("County PA")	Gov Code § 76000	\$7 assessment for every \$10 or part of \$10 fine	County treasury			
County and state DNA funds penalty assessment ("DNA PA")	Gov Code §§ 76104.6, 76104.7	\$5 assessment for every \$10 or part of \$10 fine	DNA identification			
State surcharge	Penal code § 1465.7	20% of base fine	General fund			
Emergency medical services penalty assessment ("EMS PA")	Gov Code § 76000.5	\$2 assessment for every \$10 or part of \$10 fine	County emergency medical services			
EMAT ("EMAT PA")	Gov Code § 76000.10(c)(1)	\$4	Emergency medical air transport			
Court operations fee ("Court ops")	Pen. Code § 1465.8	\$40	Court operations			
Criminal conviction assessment ("Conv. Assess")	Gov Code § 70373	\$35	Maintain adequate funding for court facilities			
Night or weekend court fee ("Night court") (optional by court)	Veh. Code § 42006	\$1	Night or weekend court program			
Traffic assistance program ("TAP fee") (optional by court)	Veh. Code § 11205.2(c)	Varies, but cannot exceed actual court cost of traffic assistance program	Traffic assistance program 34			

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			TRAFFIC	INED ACT	TONE	IVED DEN	ALTY SCHEDU	W P										
					tion III		face, Section IV											
											Fine		26	ч				ş
s	ection	,	Offense	Fine/ Fee	State PA*	County PA*/10	DNA PA*	Court PA*/10	Surcharge	EMS PA*/10 EM	Surcharge & PA Subtotal	Court OPS	Conv. Ass	Night Court	TAP Fee	Total Bail	Category	DMV Point
			the contract of the contract o		10/10	. 7	5/10		20%	2 4		40	35	1	0			
28 1680	(a)		¹ Failure to Give Notice of Vehicle Repossession Selling or Offering to Sell an Appointment with the DMV	300		210 21	150		60	60 4	1234	40	35	1.	0	1310	4a 1a	0
1808.1	(a)		Employer's Failure to Obtain, Review, Sign, and Maintain Copy of Repor of DMV Record of Driver	t 25	30	21	13	15	5	6 4	121	40	35	1	0	197	1a	0
1808.1 1808.1	(c) (d)		Employer's Failure to Participate in DMV Pull-Notice System Employer's Failure to Notify DMV to Discontinue Enrollment in Pull- Notice System Upon Termination of Driver's Employment	25 25		21 21	13		5	6 4	121	40	35	1	0	197 197	la la	0
1808.1 1808.1	(e) (j)(1)		Failure of Specified Drivers to Enroll in DMV Pull-Notice System Employer's Failure to Obtain Copy of Report of Current DMV Record of	3.5 2.5		28 21	20		7	8 4	162 121	40 40	35	1	0	238 197	2a 1a	0
1808.1	(n)		Casual Driver Failure to Present on Request a Report of DMV Record of Driver of	25		21	1:		5	6 4	121	40	35	1	0	197	la	0
2402.6	(a-c,e)		Taxicab Violation of Regulations or Standards for Operation of Vehicles Using	35	40	28	26	20	7	8 4	162	40	35	1	0	238	2a	0
2504			Compressed or Liquefied Gas Violation of CHP Licensing Regulations	3.5	40	28	26	20	7	8 4	162	40	3.5	5	0	238	2a	0
2510	(b)		Operation of Private Emergency Vehicle or Armored Car Without CHP Inspection	35		28	20		7	8 4	162	40	35	1	0	238	2a	0
2807 2807.1	(p)		Operation of School Bus Without CHP Certificate of Compliance Operation of Vehicles Transporting Pupils Without CHP Certificate of	35 35		28 28	20		7	8 4 8 4	162 162	40 40	35 35	1	0	238 238	2a 2a	0
2807.2			Compliance Failure to Retain Record of Inspection on File for Review by CHP Upon Request	25	30	21	15	15	5	6 4	121	40	35	1.	0	197	1a	0
2807.3			Operation of Youth Bus Without Display of Appropriate Certificate Verifying Inspection	35		28	20	-	7	8 4	162	40	35	1	0	238	2a	0
2810.1	(b)		Unlawfully Transporting Household Goods/Failure to Submit to Inspection			28	20		7	8 4	162	40	35	1	0	238	2a	0
2813.5 2814			Use or Issuance of Unauthorized Inspection Stickers Failure to Stop and Submit to Roadside Passenger Vehicle Inspection	25 35		21 28	1:		5	6 4 8 4	121	40	35	1	0	197 238	1a 2a	0
2814.1	(b)		Failure to Stop and Submit to Vehicle Inspection Checkpoint for Exhaust Violations			28	20		7	8 4	162	40	35	1	0	238	2a	0
2814.2	(a)		Failure to Stop and Submit to Sobriety Checkpoint Inspection	3.5		28	20		7	8 4	162	40	35	1	0	238		0
2815			² Failure to Obey School Crossing Guard	50		35	25		10	10 4	209	40	35	1.	0	285	4a	1
2816 2817			Unlawful to Load/Unload Children Unless Traffic Is Controlled Failure to Obey Peace Officer-Funeral Procession	3.5 3.5		28 28	20		7	8 4	162 162	40	35	1	0	238 238	2a 2a	0
2818			Traversing Electronic Beacon/Flare/Cone Pattern Set by Public Safety Personnel	70	70	49	35	35	14	14 4	291	40	35	î	0	367	3a	1
4000	(a)(1)	A	3 No Evidence of Current Registration	50		35	2.5		10	10 4	209	40	35	1	0	285	1a	0
4000 4000	(a)(1) (b)	A	No Evidence of Current Registration Vehicle on Highway Registered in Violation of Pollution Control	25 50		35	25		10	0 0 10 4	209	40	35	1	0	25 285	4a 1a	0
4000	(b)	В	Regulations Vehicle on Highway Registered in Violation of Pollution Control Regulations	25	0	0		0	0	0 0	0	0	0	0	0	25	4a	0
4000.4	(a)	Α	Unregistered California-Based Vehicle	25	30	21	1:	15	5	6 4	121	40	35	1.	0	197	la	0
4000.4 4000.6	(a) (a)	B A	Unregistered California-Based Vehicle Failure to Submit Application or Declare Accurate Combined Gross Vehicle Weight Pursunt to VC 9400.1	25 25		0 21	1:	0 15	5	0 0 6 4	121	40	35	0	0	25 197	4a 1a	0
						1											5	

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Changes Based On:

2021 UBPS

- New legislation
- Suggestions from justice partners
- Technical changes

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Significant 2021 UBPS Changes

 Revision of language on page IV regarding Emergency Medical Air Transportation (EMAT) penalty sunset date

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Significant 2021 UBPS Changes, cont.

- Revision on page xii regarding Government Code sections 70372(b) and 76000.3
- 27002(a), Use of Siren by Unauthorized Personnel or in Noncompliance With CHP Standards

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Questions?

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Ability to Pay & Online Traffic Adjudication



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Phases

- Phase 1: Online Ability to Pay Determinations
- Phase 2: TBED and Other Added Functions



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Phase 1: Ability to Pay Overview



- · Litigant can...
 - · Search for a citation
 - Enter basic financial information
 - Make requests
- Tool creates a queue for court review
- · Calculator recommendation
- · Judicial officer makes decision
- Tool returns decision to litigant as Court Order by email

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Court Adoption

Go-Live Date		Court	Case Management System	Interface Developed	
	April 2019	Tulare	Journal Technologies eCOURT	One Way	
Year 1	May 2019	Shasta	JALAN transitioning to Tyler Odyssey in 2021	One Way	
	August 2019	Ventura	VISION (VCIJIS)	Two Way	
Year 2	December 2019	San Francisco	Thompson Reuters	One Way	
real 2	August 2020	Santa Clara	Tyler Odyssey	Two Way	
Year 3	November 2020	Fresno	Tyler Odyssey	One Way	
Year 3	Planned for April 2021	Monterey	Tyler Odyssey	One Way	

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ATP System Data

As of March 15, 2021

18,000+ requests 11,000+ litigants 50% of litigants on benefits

85% of Litigants below CA Poverty Level*

*defined as 250% of Fed poverty line

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ATP System Data

As of March 15, 2021

Total Amount Owed

\$8,700,912

Average Amount Owed Per Ticket

\$684

Total Owed *After* Adjustment

\$4,411,645

Average Amount Owed *After* Adjustment \$386

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Litigant Satisfaction











Not helpful <**1%**

Somewhat unhelpful **1%**

Somewhat helpful **15%**

Helpful **5%**

helpfu **79%**

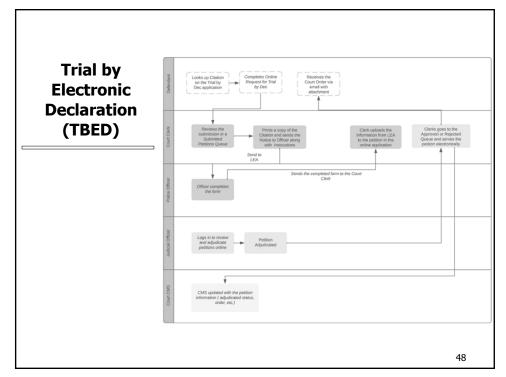
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Phase 2: New Functions

- Continue two-way CMS integration
- New functions
 - Trailer Bill Legislation FY18-19
 - ATP determination + 3 of the following:
 - Post and forfeit bail
 - Request to forfeit bail in installments
 - ∘ Request an online trial (TBD)
 - Request a continuance
 - Request a date to appear in court

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Trial by
Electronic
Declaration
(TBED)

- Litigant does not pay bail up front
- No trial de novo

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21-22 State Budget Proposal

- Expands use of MyCitations to all 58 counties
- Provides backfill for the branch portion of fines/fees forgiven
- No charge to litigant for administering payment plan – But can be retained as part of Enhanced Collections Program costs

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Additional Resources

 Judicial Council Bail Schedules: http://www.courts.ca.gov/7532.htm



Contact

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Questions?

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Ventura County Superior Court: ATP Pilot

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Questions?

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Court-Ordered Debt Collection Program Overview

Rashan Anderson, Court-Ordered Debt Collection



May 2021

Program Overview Objectives



- · Background and Funding
- · Program Eligibility and Enrollment
- · How the Program Works
- · Automated System Process
- · Collection Cycle and Collection Notices
- · Distribution of Funds
- · Online Services
- · Program Statistics and Case Highlights
- · Keys to our Success and What's Ahead
- · Program Support

Non-Tax Debt Collection | Franchise Tax Board

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Background

- In 1994, the California State Legislature authorized the Franchise Tax Board to collect delinquent court-ordered debt as a pilot program.
- In 2004, the Legislature made the program permanent and expanded it statewide. (California Revenue and Taxation Code Sections 19280–19282).

Non-Tax Debt Collection | Franchise Tax Board

Funding

Funding is provided by the participating courts and agencies.
 These costs cannot exceed 15 percent of the amount COD collects on behalf of their clients.

Non-Tax Debt Collection | Franchise Tax Board

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Program Eligibility

- State Agencies:
 - Any type of restitution orders and fines imposed by Juvenile or Superior Court of the State of California.
 - oAmounts imposed by the Supreme Court of the State of California for certain debts due to the State Bar
- · Courts:
 - o Any type of fines, state or local penalties, bail and forfeitures.
 - All offenses involving a violation of the Vehicle Code, and any amounts due pursuant to Section 903.1 of the Welfare and Institutions Code.

Non-Tax Debt Collection | Franchise Tax Board

Enrollment

- · Memorandum of Understanding
- · Onboarding
- Testing

Non-Tax Debt Collection | Franchise Tax Board

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Debt Criteria

The following criteria must be met when submitting cases:

- · Your case should be 90 days or more delinquent
- Minimum case balance must be \$25.00
- Minimum account balance due of \$100.00
- · Must include your debtor's first and last name
- Must have either a social security number, date of birth, or drivers license number
- · Addresses must be complete

Non-Tax Debt Collection | Franchise Tax Board

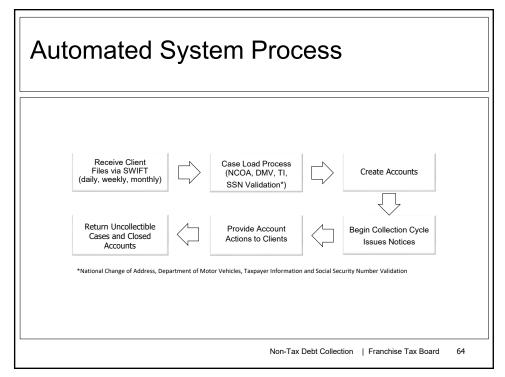
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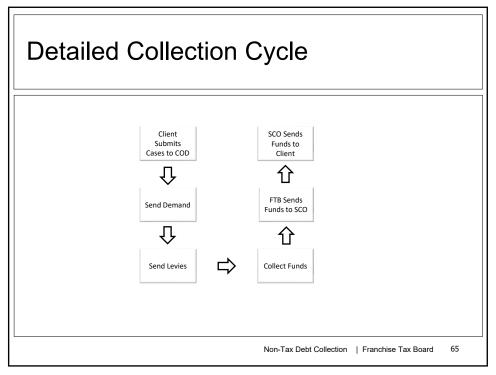
How the Program Works

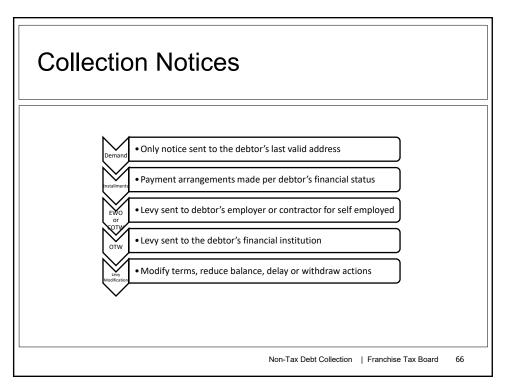
- Validate Information
- · Create a COD account
- · Begin the collection cycle
 - o Demand Notice
 - Wage Garnishment
 - ∘Bank Levy
- · We will return the case if:
 - $_{\circ}\mbox{We}$ are unable to locate a good SSN
 - o Case is deemed uncollectable

Non-Tax Debt Collection | Franchise Tax Board

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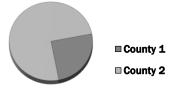




Distribution of Funds

Payments collected are pro-rated

If a debtor has multiple cases with you, or cases in addition to yours with another county, the money is prorated and disbursed among all cases with the largest case balance receiving the largest portion.



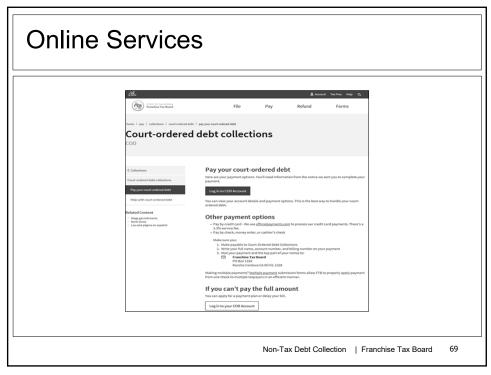
Non-Tax Debt Collection | Franchise Tax Board

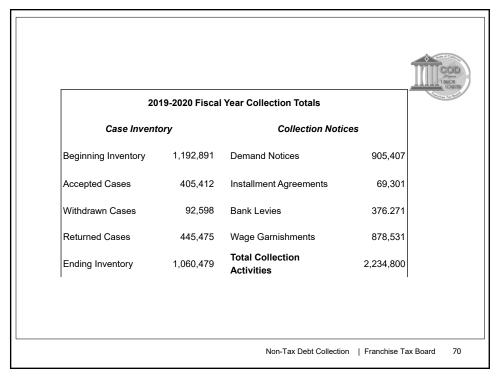
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Aged Case Recall Process

- · Case is returned to client if no activity for up to 24 months
- · COD will return the case sooner if:
 - o Case is deemed uncollectable
 - o Client withdraws the case
 - o Event related activity

Non-Tax Debt Collection | Franchise Tax Board





Case Highlight

COD received a referred case on 1/14/2014; a Demand notice was issued on 1/28/2014. Several Order to Withholds (OTW) went out on the account over the years and all were unsuccessful.

After the last OTW was issued that rendered no funds, we received contact from a third party on 8/19/2020 who inquired about how involuntary collection action takes place. The COD agent advised the third party of the process and explained the different ways that we collect on cases.

Payment in full was received in the amount of \$91k on 10/1/2020.

Non-Tax Debt Collection | Franchise Tax Board 71

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Keys to Our Success

- · Experienced Contact Center Staff
- · Client Services Staff
- IT Help Desk
- Interactive Voice Response
- Web Services

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Updates

- · COD Automated Return Mail Workload
- Remote Agent
- Revenue
- Legislation

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Program Support

Court-Ordered Debt Client Services

Phone: 916.845.7503

Email: CODClientServices@ftb.ca.gov

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Contact Information

- Jennifer Jacobsen, Program Supervisor
- 916.845.5118, <u>Jennifer.Jacobsen@ftb.ca.gov</u>
- · Shannon Servando, Program Supervisor
- 916.845.6093, Shannon.Servando@ftb.ca.gov
- · Rashan Anderson, Program Supervisor
- 916.845.5238, Rashan.Anderson@ftb.ca.gov
- Crystal Berrian, Program Manager
- 916.845.3546, Crystal.Berrian@ftb.ca.gov

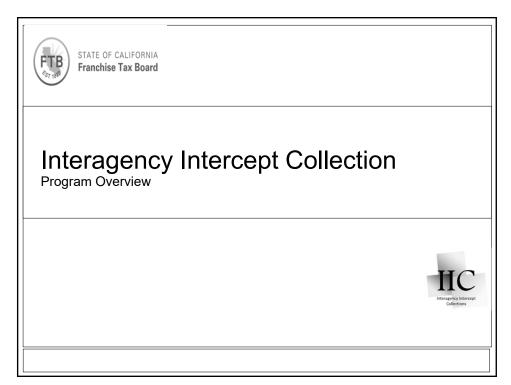
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Questions?

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IIC Objectives



- Background
- 2020 Program Statistics
- Program Eligibility
- How the Program Works
- Your Role and Responsibility
- Reports
- Case Highlights
- COVID-19 Impacts
- · What's Ahead and Program Support

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Background

- Began in 1975.
- Authorized by Govt. Code Sections 12419.2-3, 12419.5, 12419.7-12.
- Administered by Franchise Tax Board (FTB) on behalf of the State Controller's Office (SCO).
- Types of intercepted payments:
 - -Personal Income Tax Refunds
 - -Lottery Winnings
 - -Unclaimed Property Disbursements

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2020 IIC Program Statistics

 Calendar Year 2020 Collection Totals

 Intercept Source
 Intercepts
 Redirected Revenue

 Personal Income Tax
 475,617
 \$185,015,720

 Lottery Winnings
 2,934
 \$2,916,399

 Unclaimed Property
 9,186
 \$3,205,030

 Total
 487,737
 \$191,137,148

Calls Received 14,048
Calls Answered 13,095
% Answered 93%
Number of Staff 9



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Program Eligibility

State agencies

Any type of debt.

Counties and cities

Property taxes, delinquent fines, bails, and other permitted debts.

· California colleges

Delinquent registration, tuition, bad check fees, and other permitted debts.

· Special districts

Water bills, waste disposal fees, and fire inspection fees.

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How the Program Works

 Participating agencies submit debtor accounts via Secure Web Internet File Transfer.

Debt Criteria:

- Debt type qualifies under the Intercept Program authority.
- 30 days have passed since the Pre-Intercept Notice has been mailed.
- Debt amount is at least \$10.
- · Debtor is not in an active bankruptcy.
- · Debtor has a valid social security number.
- There is one sum total debt amount for each debtor.
- We flag accounts with an offset indicator.
- When an offset takes place, we will mail the debtor a notice.

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Notice to Debtors

Notice of Intercepted Funds (Various FTB 4141 forms)

- Debtor's account number with the agency.
- · Agency's public contact information.
- · Original payment amount.
- Offset amount.
- · Remaining refund amount.
- Government code authorizing the Intercept Program.

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Program Benefits & Cost

Benefits

- · Additional revenue source
- · Low cost collection alternative
- Differ from other collection services

Cost

- Approximately \$2.50 \$3.00 per offset, fee varies each year.
- SCO charges a fee to reimburse the administrative costs of the program.
- SCO will send bill in April/May for each successful intercept in previous year.

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How to Participate

Apply with SCO

• Initial Request to Participate (FTB 2282 PC)

Participate with FTB

- 1. Intent to Participate (FTB 2280 PC)
- 2. Vendor/Contractor Confidentiality Statement (FTB 7904)
- 3. Copy of your Pre-Intercept Notice

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Annual Timeline

September

- · Submit all forms.
- · You must mail all pre-notices to debtors.

November

· Submit the annual load file to FTB.

December

- FTB purges all current year accounts mid month.
- FTB loads all new annual accounts by end of month.

May

• SCO bills all participants for prior year services.

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Your Role and Responsibility

- · Modify accounts when balances change.
- Refund debtors any overpayments.
- Provide timely customer service to debtors.
- Pay the annual Intercept Program service fee.
- Follow the confidentiality guidelines.
- Recognize that unauthorized disclosure of confidential information is a crime.

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Reports

Weekly Offset Reports

Separate reports for each payment type:

- Tax refunds
- Lottery winnings
- Unclaimed property

If there is no offset activity, we will not generate a report.

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Case Highlights

- In January 2021, a debtor submitted a winning lottery ticket to the CA Lottery. The debtor's net winnings were \$1,520,005.
- The debtor had a balance due to Department of Child Support Services in the amount of \$145,838. The lottery winnings were applied to the debt and the debtor ultimately received over \$1.3M.
- In March 2020, a debtor submitted an Unclaimed Property disbursement to the State Controllers Unclaimed Property Division. The claim totaled \$79,620.

The debtor had a balance due with Franchise Tax Board in the amount of \$4,862 and the Department of Child Support Services in the amount of \$75,758. The debtor did not receive any of the Unclaimed Property payment.

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COVID-19 Impacts

- IIC Program Suspension
 - -2020: March 27, 2020 through July 15, 2020
 - -2021: February 22, 2021 through July 31, 2021. Child Support is the exception.
- Communicated suspension and resumption with all participating agencies.
- · Agency Holds.
- IIC staff transitioned to teleworking/other workloads.

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What's Ahead

ID Lookup (SB 75)

- · Allows agencies to submit debts without SSN
- First year pilot included 2 agencies and resulted in 5,408 Intercepts and \$2,246,888 in revenue
- Expanding to two more agencies
 - · Application Process
 - · Manual Effort

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What's Ahead Cont'd

New 5 Digit Agency Codes

- Expanding to a 5-digit code for all agencies
- · Impact to record layouts, file name, and SWIFT folder
- · Changes to existing business practices.
 - · Pre-incept notices
 - · Annual Load submission timeframes

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Program Support Contacts

Program staff can assist with:

- · Intercept information.
- · Copies of missing reports.
- Payment and billing questions.
- · Your SWIFT account registration.

Client Liaison Phone: 916.845.5344

General Call Center Phone: 1.866.563.2375

Fax: 916.843.2460

Email: IICgroupIncoming@ftb.ca.gov

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Questions?

COLLECTIONS

Collections Activities

- Updates
 - · 2020-21 Reporting period
 - · Performance measures/benchmarks study
- Collections Reporting Template Elements:
 - Adjustments
 - o Dismissed AB 1869 fees and Ability to Pay determinations
 - Discharge from Accountability
 - Cost Recovery

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2020-21 Reporting

- 2020-21 Collections Reporting Template (CRT)
 - No change to format
 - Pre-populated CRT
 - Due September 1, 2021

Alameda Court and County 2019–20 Summary

County Population: 1,670,834 Authorized Judges/Commissioners: 73/10.0

Program Overview

The collection of delinquent court-ordered debt is a cooperative effort between the Superior Court of Alameda County and the County of Alameda. The court and county have a written memorandum of understanding (MOU) for their collections program. The program includes the following activities as reported in the Collections Reporting Template:

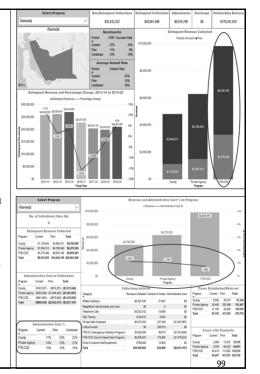
Meets all 25 of the recommended collections best practices. (see Attachment 3); and Engages 16 of the 16 collection activity components pursuant to <u>Penal Code section</u> 1463.007

Performance

According to the Alameda collections program, this year brought many changes due to COVID-19 pandemic. As a result of the crisis, most collections efforts were suspended for various periods beginning in March 2020. The Gross Recovery Rate (GRR) increased from 16 percent to 27 percent and the Success Rate (SR) increased from 10 percent to 24 percent for the current period. The increase in recovery rates is likely a result of multiple factors, but not limited to the increase in the amount collected by the Franchise Tax Board (FTB) and change to a new private collection agency. The GRR decreased from 38 percent to 11 percent, and the SR. decreased from 10 percent to 9 percent from the prior period. The decrease occurred because discharge from accountability was not performed during this reporting period.

Delinquent traffic collections are handled by a private vendor while delinquent criminal collections are handled by the county. Both in turn refer cases to both FTB collections programs. The data submitted by the private collection agency does not reflect the ending balances from last year due to the change in private vendors. During the transfer of accounts, duplicate and inaccurate information was identified and corrected.

The court will continue to work in collaboration with the various collections programs to ensure continuity of the data reported in the Collections Reporting Template (CRT). Each agency uses different tools for storing data and different methods for interpreting and accessing the data, so the task of completing the CRT is not without challenges. The court will continue attempts to improve the quality of data reported and encourage all participating agencies to contribute to the



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Collections Totals

	2018-19	2019-20	Change
Total revenue:	\$1.4B	\$1.2B	-14.3%
-Delinquent	\$543M	\$484M	-10.9%
-Non delinquent	\$859M	\$679M	-20.9%
Outstanding balance	\$10.6B	\$8.6B	-18.3%

Report on Statewide Collection of Delinquent Court-Ordered Debt for 2019–20 available at: www.courts.ca.gov/7466.htm

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Adjustments

2019-20 reporting period totals:

- \$2.0B court-ordered adjustments
- Includes \$1.8B in dismissed criminal fees

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Adjustments Overview

Include only court-ordered suspensions, dismissals, and alternative payments such as community service or post sentence service of time in custody in lieu of fine, or other non-cash adjustments that occurred during the reporting period.

Assembly Bill 1869

- Repealed several administrative fees.
- Effective July 1, 2021, courts will no longer have authority to <u>collect</u> these fees.
- If assessed, report any dismissed fees as Adjustments in CRT.

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AB 1869 Fees

Effective July 1, 2021, courts will no longer have authority to collect the following fees:

Government Code:

§ 27712 (public defense fee)

§ 27753 (cost of counsel)

§ 29550(c) (criminal justice administration fee)

§ 29550(f) (administrative screening fee and citation processing fee)

§ 29550.1 (criminal justice administration fee)

§ 29550.2 (county booking fee)

§ 29550.3 (city booking fee)

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AB 1869 Fees (cont'd)

Penal Code:

§ 987.4 (minor public defense fee)

§ 987.5 (public defense registration fee)

§ 987.8 (public defense fee)

§ 1203 (interstate compact supervision)

§ 1203.016(g) (adult home detention administrative fee)

§ 1203.018(j) (electronic monitoring administrative fee)

§ 1203.1b (probation department investigation/progress report fee)

§ 1203.1e (parole supervision fee)

§ 1208.2(b) (program administrative fee)

§ 1210.15 (continuous electronic monitoring fee)

§ 3010.8 (parole continuous electronic monitoring fee)

§ 4024.2(e) (work furlough administrative fee)

§ 6266 (work furlough program fee)

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Ability to Pay

Determination requests: online and walk-in

- · Reporting information on CRT
 - Annual Financial Report: adjustment total
 - · Performance Report: lump sum
 - · Contact sheet: court-ordered reduced amount

Pending statewide implementation of online determinations

.06

Discharge from Accountability

- \$319M discharged in 2019-20
- 18 programs have discharged \$0 and collectively hold \$2.8B (32.2%) of outstanding balance

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Discharge Overview

- Discharge is authorized and can be approved by responsible collecting entity (Government Code § 25257 and 25259.7)
- Discharge relieves entity of obligation to actively pursue the debt, but individual remains liable for payment.
- Discharge any balance too small to justify collections cost or likelihood of collection does not warrant the expense.
- Discharge provides realistic accounting of outstanding debt.

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Depending on age and other characteristics of the account, certain collections activities tend to perform better. **However, cost should always be a consideration.**

Source: Forrester Consulting, Inc., Collections Practice Current State Assessment

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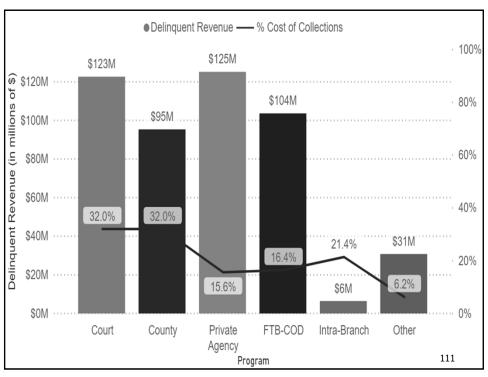
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Cost Recovery

2019-20 reporting period totals:

- \$109.6M recovered costs
- 22.7% of \$484M delinquent revenue collected
- Range from 2.0% to 53.3%

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Penal Code § 1463.007

- Program must comply with Penal Code § 1463.010(b)
- · Meet 10 of 16 collections activities
 - Five mandatory
 - Five discretionary
- Eligible v. Non-Eligible Costs
- Calculate Operating and Staffing Costs
- Separate Delinquent from Nondelinquent Revenue

See Guidelines and Standards for Cost Recovery

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Training is important to create standardized practices – to the extent possible – build consensus around terminology and best practices, and to promote communication between entities.

Source: Forrester Consulting, Inc., Collections Practice Current State Assessment

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Training:

Most requested training:

- #1 Discharge from accountability (40%)
- #2 Revenue distribution (28%)
- #3 Cost recovery (24%)

Source: Forrester Consulting, Inc., Collections Practice Current State Assessment

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Questions?



Trial Court Revenue Distribution Training Spring 2021



BETTY T. YEE California State Controller

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Introduction

Trial Court Revenue Distribution Guidelines

· Henry Mathews, Policy Analyst, Local Government Policy Unit

TC-31 Forms

- Marieta Delfin, Supervisor, Tax Accounting Unit
- · Agboo Abeywickrama, Tax Accounting Analyst

Common Audit Findings

• Doug Brejnak, Staff Management Auditor (Specialist)

If you have any questions related to trial court revenue distribution, please email LocalGovPolicy@sco.ca.gov.

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Overview of SCO Guidance

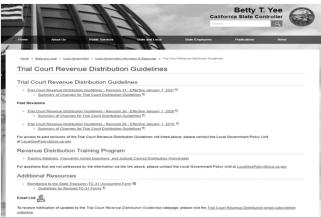
- Our Website
- Overview of the Trial Court Revenue Distribution Guidelines
- Research and Using the Guidelines
- Updates to the Guidelines
- Listserv Notifications
- TC-31s
- SCO Court Revenue Audits

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SCO Trial Court Website

The Trial Court Revenue Distribution Guidelines can be found at: http://www.sco.ca.gov/ard trialcourt manual guidelines.html



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SCO Trial Court Website, cont.

The Trial Court Revenue Distribution Guidelines can be found at: https://sco.ca.gov/ard_trialcourt_manual_guidelines.html

On the Trial Court Website you will also find:

- Urgency Legislation, training materials, FAQs, and other useful resources.
- Link to Revenue Distribution Training Website which contains:
 - Training materials, FAQs, and Judicial Council Distribution Worksheets.
 - Schedules, worksheets, and guides.
 - Presentations, PDFs, and other resources related to Revenue Distribution Training Programs for previous years.

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TC Guidelines - Overview

Trial Court Guidelines:

- Provide direction on the distribution of fines, fees, forfeitures, penalties, and assessments from criminal and civil violations.
- Updated at least once a year.
- Required by California code.
- Consist of nine distribution tables.
 - Each table is preceded by a narrative, as well as any special rules or background that may apply.
 - o Narratives provide guidance on questions.

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TC Guidelines - Overview, cont.

Changes to Trial Court Guidelines

- Majority of changes to the Guidelines happen through the annual legislation process.
- After each legislation cycle we add the codes that were added or amended or repealed.
- ❖ At the beginning of every year a new Revision is published.
- ❖ A Summary of Changes to the Guidelines is also published at the beginning of every year.

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Trial Court Revenue Distribution Guidelines

State of California

Trial Court Revenue Distribution Guidelines

Revision 31
Updated as of January 1, 2021



BETTY T. YEE
California State Controller's Office

The **Trial Court Revenue Distribution Guidelines**

provide direction on the distribution of fees, fines, forfeitures, penalties, and assessments resulting from criminal and civil violations. (Government Code §71380)

Types of Trial Court Revenue

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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Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements

Total Base Fine

Penalties (State, Local, EMS, DNA, Construction, etc.)

State Surcharge

Fees and Assessments

=

Total Bail or Fine

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Fines, Penalties, and Assessments: Part I

Base fines are typically increased by the following:

State Penalty: \$10 for every \$10*
Local Penalty: Up to \$7 for every \$10*
EMS Additional Penalty: \$2 for every \$10*
State & Local DNA Penalties: \$5 for every \$10*

State Court Facilities Construction Penalty: \$5 for every \$10*

*(or portion thereof – round UP)

In other words, up to \$29 for every \$10 in base fine (or portion thereof) is added, plus State Surcharge (20% of the base fine).

These penalties apply to all criminal fines unless otherwise specified.

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Fines, Penalties, and Assessments: Part II

All criminal convictions are subject to:

Criminal Conviction Assessment: (\$35/infractions; \$30/felonies

and misdemeanors)

Court Operations Assessment: (\$40)

Vehicle Code convictions are subject to:

Emergency Medical Air Transportation Penalty: \$4

These apply only to convictions. They do <u>not</u> apply to offenses adjudicated in juvenile proceedings, unlike the penalty assessments on the previous slide.

Sample Traffic Fine: Vehicle Code §24400(b)

"A motor vehicle, other than a motorcycle, shall be operated during darkness, or inclement weather, or both, with at least two lighted headlamps..."

Base Fine:		\$ 35
State Penalty (\$10 x 4):	\$40	
Local Penalty (\$7 x 4):	\$28	
DNA Penalties (\$5 x 4):	\$20	
Court Construction Penalty (\$5 x 4):	\$20	
EMS Penalty (\$2 x 4):	\$8	
Total Penalties:		\$116
State Surcharge (\$35 x 20%):		\$ 7
Criminal Conviction Assessment:	\$35	
Court Operations Assessment:	\$40	
EMAT Penalty:	\$ 4	
Total Assessments:		\$ 79
TOTAL BAIL/FINE:		\$237

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Distribution of Trial Court Revenue

<u>PC §1463.001</u> tells how the collected fines, penalties, service charges, and allocations are distributed each month:

- 1. Penalties and assessments added to base fines are distributed to the proper funds, according to law.
- 2. Unless specified, base fines are distributed as follows:

County arrests are distributed 100% to county.

City arrests are split between city and county pursuant to PC §1463.002.

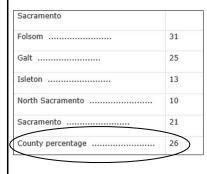
3. Base fines <u>with</u> a specified distribution are allocated to the proper funds, as described in the Guidelines.

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Penal Code §1463.002

PC §1463.002:

"The base fine amounts from city arrests shall be subject to distribution according to the following schedule:"



Note that these percentages represent the **county's** share of the base fine. For cities and other local agencies not listed, the "County percentage" is used.

For example, the base fine resulting from an arrest by the Citrus Heights Police
Department would be split 26% to
Sacramento County and 74% to the City of
Citrus Heights.

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Research: Four Steps

Step One: Search the Guidelines using keywords or the code section to find the distribution.

Step Two: Confirm current law at http://leginfo.legislature.ca.gov.

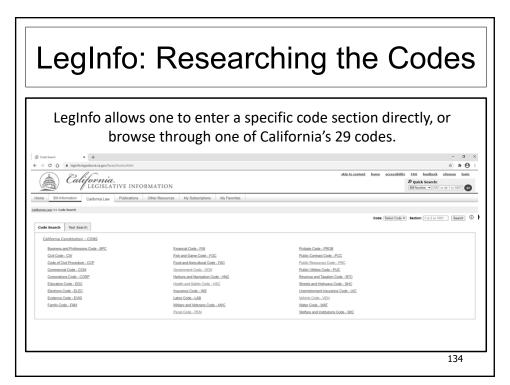
Step Three: Check the online FAQs at

http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html.

Step Four: Contact us at LocalGovPolicy@sco.ca.gov.

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Reading Entries in the *Guidelines*

- 1. Code Section The law involved, along with a description.
- **2. Violation/Situation** The laws being violated, or the circumstances in which the revenue is to be paid.
- **3. Distribution** Which agencies receive the revenue, and the percentages and/or conditions that apply.
- **4. Applicable Fund** The fund receiving the revenue.
- **5. Fund Use/Special Provision** Any limitations on use of the collected funds.
- 6. Priority of Installment Payments The priority given to paying this charge according to Penal Code §1203.1d (for criminal cases only).

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Reading Entries in the *Guidelines*

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
CC 1798.155 – California Consumer Privacy Act Effective January 1, 2020	Violations of CC 1798.100-1798.199 by a business, service provider, or other person subject to civil penalty of \$2,500 for each violation or \$7,500 for each intentional violation.	100% to the State.	Consumer Privacy Fund.	To offset costs incurred by the state courts and the Attorney General in enforcing CC 1798.100-1798.199.

CIVIL CODE DIVISION 3. OBLIGATIONS [1427 - 3273] PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273] TITLE 1.81.5. California Consumer Privacy Act of 2018 [1798.100 - 1798.199] 1798.155.

(a) Any business or third party may seek the opinion of the Attorney General for guidance on how to comply with the provisions of this title (a) Any business or third party may seek the opinion of the Attorney General for guidance on how to comply with the provisions of this title. (b) A business shall be in violation of this title if it falls to cure any alleged violation within 30 days after being notified of alleged noncompliance. Any business, service provider, or other person that violates this title shall be subject to an injunction and liable for a civil penalty of not more than two thousand five hundred dollars (\$2.500 for each violation or seven thousand five hundred dollars (\$7.500 for each violation or seven thousand five hundred dollars (\$7.500 for each violation or seven thousand five hundred dollars (\$7.500 for each violation or seven thousand five hundred dollars (\$7.500 for each violation or expension of the people of the State of California by the Attorney General. The civil penalties provided for in this section shall be exclusively assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General.

(c) Any civil penalty assessed for a violation of this title, and the proceeds of any settlement of an action brought pursuant to subdivision (b), shall be deposited in the Consumer Privacy Fund, created within the General Fund pursuant to subdivision (a) of Section 1798.160 with the intent to fully offset any costs incurred by the state courts and the Attorney General in connection with this title.

(Amended (as added by Stats. 2018, Ch. 5, Sec. 3) by Stats. 2018, Ch. 735, Sec. 12. (SB 1121) Effective September 23, 2018. Section operative January 1, 2020, pursuant to Section 1798.198.)

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Updates to the Guidelines

Revision 31 of the Trial Court Revenue Distribution Guidelines was released in December 2020, and reflected changes due to legislation signed into law last year. Those changes are on the following slides.

Most became effective January 1, 2021, although some bills have a later effective date.

Updates due to Legislation

Added, Amended Or Removed	Code Section	Description	
Amended	GC 70624 – Courts	This section shall remain in effect only until January 1, 2026, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2026, deletes or extends that date.	
Amended	PC 489 Section 2 – Grand theft: agricultural equipment	It is necessary to ensure that the proceeds of fines imposed upon a defendant for a conviction for violation of Section 487k of the Penal Code are allocated in accordance with existing rural crime prevention program allocation schedules at the earliest possible time.	
Amended	GC 76000.10 – Air ambulance services	This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed. Sec 3. To protect the health and safety of Medi-Cal beneficiaries after the current penalty expires on July 1, 2020, this act is needed to continue the assessment and associated program, and it is necessary that this act take effective immediately.	
Amended	GC 29550 – Criminal Fees	All fees collected pursuant to this subdivision shall be transmitted by the county auditor monthly to the Controller for deposit in the General Fund. This subdivision applies only to convictions occurring on or after the effective date of the act addin this subdivision and prior to June 30, 1996.	

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Listserv Notifications

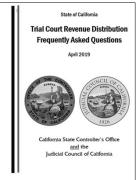
To receive automatic notification of updates to the *Guidelines*, including Urgency Legislation updates, please visit our website at: http://www.sco.ca.gov/ard_trial_courts_notification_email.html



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Frequently Asked Questions (FAQ)

Each training generates questions from the audience. SCO and the Judicial Council have compiled the most common ones from our training sessions since 2013 into a single document.



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Frequently Asked Questions (FAQ)

The Master FAQs contain over 200 responses in eight categories:

- A. General Questions
- F. Distribution Calculations
- B. Guidelines
- G. Distribution Spreadsheets
- C. Statutes
- H. Audits
- D. Parking
- E. Collections

Each entry includes the date it was last updated. Responses may change with new legislation or policy, so be cautious in relying on older responses.

SCO Distribution Contact Information

If you have any questions related to trial court revenue distribution, please email LocalGovPolicy@sco.ca.gov



BETTY T. YEE California State Controller

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Questions?

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TC-31 Submission 2. State Treasurer's Office 1. Counties 3. SCO - Bureau of Cash (STO) • Remit money (EFT, wire transfer, or a check) to State Treasurer's Office Management • Deposit the money • Log TC-31 forms received • Keep the copy of the TC-31 form • Forward the TC-31 forms to SCO -• Submit an original & one copy • Forward the original TC-31 to SCO -Tax Accounting Unit of TC-31 forms Bureau of Cash Management SCO - Tax Programs 4. SCO - Tax Accounting 5. SCO – Bureau of Cash Unit Unit Management • Receive copies of Audit Report • Review the TC-31 forms for accuracy • Process the TC-31 forms • Track county payments for audit • Send the TC-31 forms to SCO-Key Data • Return the TC-31 forms to SCO -Operators for input into the fiscal • Prepare billing notices for **Bureau of Cash Management** interest/penalties related to audit • Prepare billing notices for delinquent remittances 146

TC-31 Submission

Remittance to the State Treasurer (TC-31) forms can be found at https://www.sco.ca.gov/Files-ARD-Local/Remittc tc31.xlsx

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0 0 0 1	9990	164201		General Fund - Vehicle Code 40225(d)			
0001	9990	164301		Ownered Fund: Health & Safety 105267 - State penalty on head studement fines			
0044	2740	114300		Maker Verricle Account - Verricle Code 11/20(c), AB 34(8)- Truffic violator school: SS Certificate of Completion feet			
0044	2740	164000		Mater Venide Assource: Penal Code 1453 2(b) - Unincured restorch (S) convestors: Black Fre Merchell LarCart Fund, results & Safety Cl (O).			
0102	3 5 4 0	125200					
0159	0250	164602		The Countries seministrus - Ocumentary Code (60 K 8 - 26 Automation			
0159	0 2 5 0	164603		Trial Court Improvement Fund - 00 77255 - 50% Excess			
0200	3600	125600		Fan & Game Preservation Fund - Fan & Game 711.4 - Environmental Cooument Flang Fees			
0200	3600	131000		Fah & Game Recentation Fund - Fah & Game 13003 - Fah & Game Presentation Fund			
0200	3600	131300		Fan & Game Recentation Fund - Fan & Game 12021, 10008 - Secret Ritmes Program			
0214	7870	130800		Restitution Fund - Penal Code 1252 4, W St 750 6			
0214	7 8 7 0	130803		Restution Fund - Penal Code 1001 SO - Diversion Restitution Fee			
0214	7870	130804		Resitution Fund - Penal Code 1252 44 - Conditional Sentence Resitution Fines			
0214	7870	164400		Restution Fund - Penal Code 1453.15 - DUI Fines			
		TOTAL		BUT INTO MENT TO CONTINUE OF			
10 STATE 00NT	KOLLER: Thereby sently to	net the foregoing report, as it is the Total's afters of collections.	all the same of th	1			
		ne State's share of othersons in 50101 of the Dovernment C					
has been made to	the State Treasurer.						
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TC-31 Submission

Local Government Page

Remittance to the State Treasurer (TC-31) forms can be found at

https://www.sco.ca.gov

Home

< State and Local

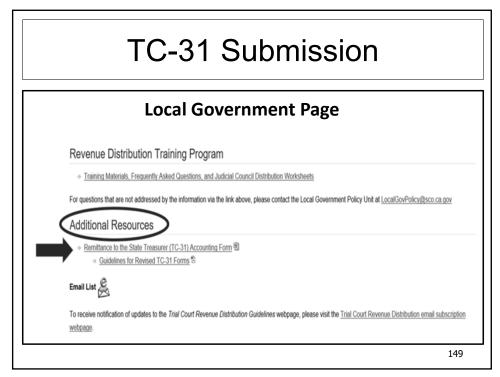
< Local Government

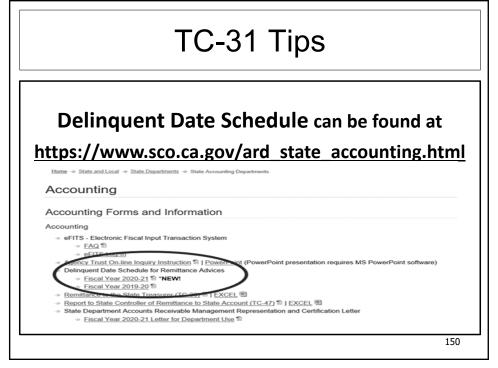
< Local Government Information and Resources

<Trial Court Revenue Distribution Guidelines

<Additional Resources

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TC-31 Tips

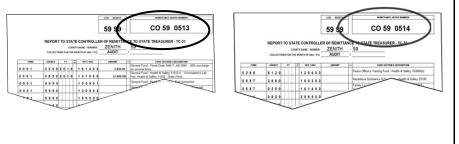


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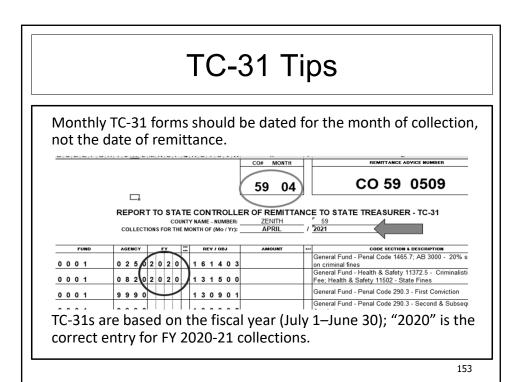
TC-31 Tips

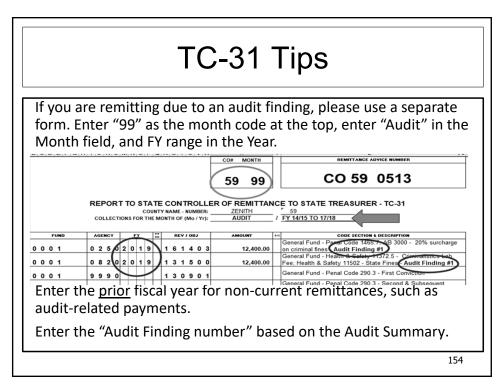
Tips to remember when completing your TC-31 forms:

- Use a separate Remittance Advice Number for each page of your form, and do not repeat numbers.
- Do not put dollar signs (\$) next to the amounts.



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TC-31 Tips

Submit a copy of the Summary of Audit Findings schedule with the TC-31 form.

Schedule—

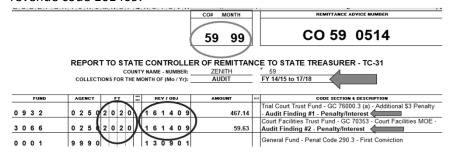
Summary of Audit Findings Affecting Remittances to the State Treasurer July 1, 2014, through June 30, 2018							
July 1, 2014, throu	gn June 30, 2018		-				
	Fiscal Year						
Finding ¹	2014-15	2015-1	5	2016-17	2017-18	Total	Reference ²
inremitted to the State							
enith County							
Generalt Fund – PC 1465.7; AB 3000	\$ 3,000	\$ 2,5	00	\$ 4,100	\$ 2,800	\$ 12,400	
General Fund - Health & Safety 11372.5 - Criminalist lab Fee' Health & Safety 11502	3,000	2,5	00	4,100	2,800	12,400	
State Court Facilities Construction Fund – GC §70372(b)	1,000	1,2	00	2,100	1,400	5,700	•
State General Fund (Equipment Violation) – VC §40225(d)	5,000	5,3	00	7,100	4,000	21,400	
Total Parking Surcharges Unremitted to the State	12,000	11,5	00	17,400	11,000	51,900	Finding 1
nremitted to Zenith County (Parking Surcharges)							
ity of Zenith							
State Trial Court Trust Fund – GC §76000.3(a)	1,600	1,2	00	1,400	1,400	5,600	
State General Fund (Equipment Violation) – VC §40225(d)	5,800	2,6	00	6,700	9,900	25,000	
Total Parking Surcharges Unremitted to Madera County	7,400	3,8	00	8,100	11,300	30,600	Finding 2
nderremitted to the State							
enith County							
State DNA Identification Fund – GC §76104.6	(1,684)	(2,0	35)	(2,323)	(2,204)	(8,246)	
State DNA Identification Fund – GC §76104.7	4,324	5,1	15	6,618	6,804	22,861	
Total	2,640	3,0	80	4,295	4,600	14,615	Finding 3
otal Net-Underremittance to the State	\$ 22,040	\$ 18,3	80	\$ 29,795	\$ 26,900	\$ 97,115	

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TC-31 Tips

If you are remitting for an interest/penalty related to under remittances as a result of an audit finding, enter "99" as the month code at the top, enter "Audit" in the Month field and FY range in the Year. Use the revenue code 161409.

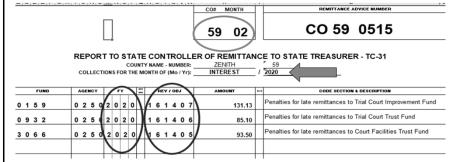


Enter the <u>current</u> fiscal year for interest remittances and "Audit Finding number – Penalty/Interest" in the Description field.

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If you are remitting for an interest on delinquent remittances, please use the TC-31 form sent with the letter. Enter "INTEREST" in the month field.

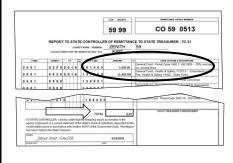


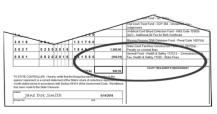
Enter the <u>current</u> fiscal year for interest remittances. Appropriate revenue codes for each fund are listed above.

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TC-31 Tips

The total amount at the bottom of each page must be a positive number. Negative entries must be submitted with supporting documents.





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TC-31 Tips

Please stop using old/abolished codes and use the new codes.





OLD CODES			NEW CODES			CODE SECTIONS	
FUND	AGENCY	REV/OBJ	FUND	AGENCY	REV/OBJ	CODE SECTIONS	
0767	1110	131700	0767	1111	131700	Pharmacy Board Contingent Fund - Business & Professions Code 4236-4414	
0268	8120	125600	0903	0690	237500	Health & Safety Code 103680(b)	
0200	3600	125600	3364	3600	125600	Fish & Game 711.4	

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TC-31 Tips

Sign and date TC-31 forms. Electronic signatures are now acceptable on the original TC-31.



Remittances are due 45 days after the end of the month in which they are collected. This is not always the 15th of the month (i.e., remittances for April collections are due by June 14th).

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TC-31 Submission

Submit your TC-31 forms to:

OR

State Treasurer State Treasurer

Cash Management Division Cash Management Division

915 Capitol Mall, Room 319 P.O. Box 942809

Sacramento, CA 95814 Sacramento, CA 94209-0001

DO <u>NOT</u> submit your TC-31 forms to the State Controller's Office.

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TC-31 Contacts

Note that the TC-31 forms include only the most commonly used codes. For remittances to funds not listed on the form, please email us at LGPSDTaxAccounting@sco.ca.gov.

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TC-31 Contacts

Tax Accounting Unit:

Marieta Delfin – <u>MDelfin@sco.ca.gov</u> Agboo Abeywickrama – <u>AAbeywickrama@sco.ca.gov</u>

Tax Programs Unit (Court Revenue Audit Questions):

Lacey Baysinger – <u>LBaysinger@sco.ca.gov</u> Ying Dong – <u>YDong@sco.ca.gov</u>

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Questions?

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SCO Court Revenue Audits

Court Revenue Audit Reports can be found at: http://www.sco.ca.gov/aud_court_revenues.html



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Agenda

- Status of Audits
- Common Audit Findings
- Audit Tips



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Court Revenue Audits Status of Audits

• Final reports issued: 2

• Reports in process: 2

• Audits in progress: 10

• Next in queue:

0	Inyo County	0	Lake County
0	Placer County	0	Kings County

Fiscal year through March 31, 2021

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Common Audit Findings

- Top-Down Distributions
- Distributions of Parking Surcharges and Penalties
- 50-50 Excess of Qualified Revenues Calculation



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Top-Down Distributions

Judge Ordered total fines are not consistently distributed using the two JCC approved Top-Down Distribution methods

Two Distribution Methods

- Reduce all components proportionately, including those with a specified dollar amount (i.e., court operations assessment and criminal conviction assessment)
- Allocate the full amount to those components with a specified dollar amount, then pro-rate the remaining balance among the rest of the total fine's components.

Common Issues

- The selected method must be used consistently.
- If the total fine imposed is less than the fixed amounts, the first method should be used.
- When using the second method, the remaining balance after allocating to components with specified dollar amounts should be pro-rated evenly amongst the remaining components.



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Parking Surcharges

Parking surcharges and penalties are not distributed as required

VC §40200.4 requires processing agencies to deposit with county treasurer all sums due to the county from parking violations.

County Criminal Justice Facilities Fund	GC §76000	\$1.50
County Courthouse Construction Fund	GC §76000	\$1.50 (or \$0 depending on BOS resolution)
County General Fund	GC §76000	\$2.00 (\$1.00 from CJFF & \$1.00 from CCF)
State Court Construction Facilities Fund	GC §70372(b)	\$1.50
State Court Construction Facilities Fund ICNA	GC §70372(b)	\$3.00
State Trial Court Trust Fund	GC §76000.3	\$3.00

- Universities, colleges and cities are not consistently imposing and collecting parking surcharges and penalties.
- Issuing agencies are not consistently remitting and distributing parking surcharges and penalties (should be \$12.50 or \$11.00 per case).
- The entire \$2 per parking violation is not consistently deposited into County General Fund per GC §76000(c). This leads to an incorrect calculation of 50-50 Excess of Qualified Revenues.

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50-50 Excess Calculation

Underremittance due to errors in the calculation of qualified revenues

Calculate the revenue the county general fund has received from the eight specified fines, fees, and forfeitures in GC §77205; compare that amount to the statutory threshold listed in GC §77201.1; and remit 50% of the difference to State Trial Court Improvement and Modernization Fund and 50% to the County General Fund.

QUALIFIED REVENUE IN GC §77205	AMOUNT TO BE CALCULATED INTO MOE PAYMENTS
	For county arrests, 75% of base fines and forfeitures (other than parking and H&S base fine).
PC §1463.001 Base Fines	For city arrests, 75% of base fines and forfeitures (other than parking and H&S base fine) from the county percentage as listed in PC §1463.002.
PC §1464 - State Penalty	30% of county share of the state penalty deposited into the County General Fund.
VC §42007 - Traffic Violator School (TVS) Fee	77% of TVS fee collections deposited into the County General Fund.
VC §42007.1 – Traffic Violator School (TVS) Fee	\$24 TVS fee deposited to the County General Fund.
GC §27361(b) - Recording and Indexing Fee	100% of collections of the \$1 fee pursuant to GC §27361(b) deposited to the County General Fund.
PC §1463.07 - Administrative Screening and Citation Processing fee *Formerly GC §29550(f)	100% of collections deposited to the County General Fund.
GC §76000(c) – County General Fund portion of county parking penalty	100% of collections of the \$2 portion of every parking fee deposited to the County General Fund.

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50-50 Excess Calculation

Common Calculation Errors

VC §42007 - Traffic Violator School Fee

- Only 77% of the TVS Fee to the County General Fund shall be included in the qualified revenues calculation. This should include the TVS related portion of EMS penalties, local construction funds and city base fines.
- SCO has identified a number of findings for excluding EMAT penalties from TVS fee, resulting in an underremittances of excess qualified revenues.

GC §76000(c) – County General Fund portion of parking surcharges

- The \$2 surcharge is included in the qualified revenues calculation.
- SCO has reported a number of findings for not distributing parking penalties, resulting in underremittances of excess qualified revenues.



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Tips to Prepare for an Audit

- Collection Reports
- 50-50 Excess of Qualified Revenues
- Parking Fees and Surcharges
- Distribution Testing
- Board of Supervisor's Resolutions
- Prior Audit Findings
- TC-31 Remittance Forms



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SCO Distribution Contact Information

If you have any questions related to trial court revenue distribution, please email LocalGovPolicy@sco.ca.gov



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Questions?

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Training Recap

Today we have covered the following:

- Updates to distribution resources
- Resource materials for distributions, calculations, analysis, and research
- · Legislative updates
- Collections updates
- Audit issues from the SCO

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Resources and Contacts

Training Materials:

http://www.courts.ca.gov/revenue-distribution.htm

Court-Related Legislation:

http://www.courts.ca.gov/4121.htm

California Legislative Information:

http://leginfo.legislature.ca.gov

Judicial Council,

Funds and Revenues Unit

Collections@jud.ca.gov

RevenueDistribution@jud.ca.gov

State Controller's Office,

Local Government Programs and Services Division

LocalGovPolicy@sco.ca.gov

Franchise Tax Board, COD and IIC Programs

CODClientServices@ftb.ca.gov

iicgroup@ftb.ca.gov

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Training Evaluation

- Please complete the SurveyMonkey evaluation (link below) after witching the training sessions.
- After your evaluation is recorded, we will email a training certificate indicating the hours you have completed.
- Your feedback is very important to us it guides us in planning future training sessions that meet your needs.

Thank you!

nttps://www.surveymonkey.com/r/May/2021RevDistTraining

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