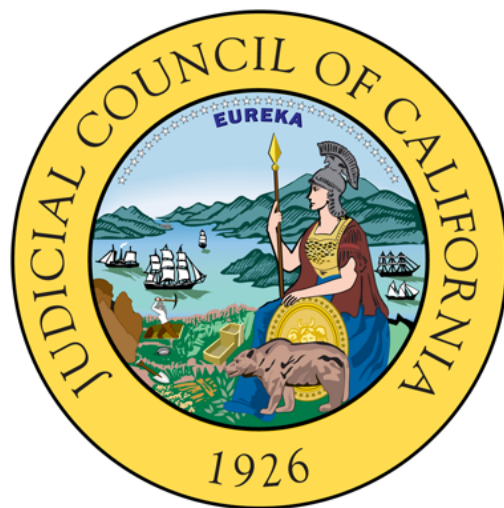


Trial Court Revenue Distribution Frequently Asked Questions



State Controller's Office
and the
Judicial Council of California

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How to Navigate the FAQ's

Since 2013, the State Controller's Office (SCO) and the Judicial Council of California (JCC) have jointly facilitated trial court revenue distribution training sessions for personnel of counties, trial courts, and other entities involved in the assessment, collection, and distribution of trial court revenue. Questions received from participants of these training sessions have been compiled to create this frequently asked questions (FAQ) document.

Subsequent questions received by the SCO and JCC will be incorporated as received and researched. The SCO and JCC will collaboratively review questions as submitted and jointly agree upon responses. Please note that the more complex questions may take longer to respond to as they may involve further research and discussion with legal staff.

Questions have been grouped into eight categories. The *Table of Contents* is hyperlinked for your convenience to provide quick access to the subject categories. A keyword is assigned to each question to assist with searching for applicable questions and their respective answers. The next page provides a table summarizing the number of questions by keyword and category.

Submitted questions may have been parsed into multiple components to simplify the question and associated response. If you submitted a question, please be sure to review the response to ensure that you received a complete answer to your inquiry.

It may be necessary to search multiple categories when seeking a response to a specific question, as more than one category may apply. If you cannot find an answer to a question, seek clarification to responses to prior questions, or have new questions, please submit them to one of the e-mail addresses noted below. When applicable, please reference an existing question and answer using the category and question number listed in the current FAQ's.

Submit questions to:

JCC Revenue Distribution	RevenueDistribution@jud.ca.gov
JCC Collections	Collections@jud.ca.gov
SCO Revenue Distribution	LocalGovPolicy@sco.ca.gov

You may access the FAQ's, along with manuals, worksheets, recorded training sessions, and other training and revenue distribution materials, on the SCO website at:

http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html, or the JCC website at: <http://www.courts.ca.gov/revenue-distribution.htm>. FAQ's have an "as of date" associated with each response. Over time, the responses may change based on new legislation or changes in policy. Items that are no longer applicable may be retained to provide historical reference where appropriate. New questions and/or updated responses will be bolded with an "as of date" until the next FAQ document revision.

FAQ's Keywords and Categories

Keywords	Categories								Total
	A	B	C	D	E	F	G	H	
2% Automation			1			1			2
50/50 MOE			6						6
Bail Bond Forfeitures			2						2
Bail Schedule	3								3
Base Fine			1						1
Board of Supervisors			4						4
Bond Indebtedness				1					1
Civil Assessment	1		3						4
Community Service/Custody Credit	1		2						3
Cost Analysis	1								1
Court Minute Record	3								3
Court Operations Assessment			2						2
Court Ordered Debt			2						2
Distribution	2								2
Distribution Guidelines		4	1						5
DNA			1						1
Document Retention								3	3
DUI Assessments			1						1
EMAT			1						1
Enhancements	1		7						8
Escheated Funds					1				1
Facilities			2						2
GC 76000			1						1
GC 76000.3				2					2
Installment Payment Fee			18						18
Jurisdiction	4								4
Juvenile	3		1						4
Late Charge			5	1		2			8
Late Penalty Under VC 40310	4								4
Legislation	3								3
Mandatory Assessments	2								2
Night Court Fee			1						1
Overpayment			1		1				2
Parking Assessments				1					1
Parking Remittances				3					3
Penalty Assessments						3			3
Priority	9		1						11
Priors Assessment VC 40508.6			8						8
Priors Enhancement			1						1
Probation	6								6
Proof of Correction				1					1
Proof of Financial Responsibility			1						1
Proof of Insurance						1			1
Resources	3								3
Restitution Fine			3						3
Spreadsheets							2		2
TC-31					14				14
Top Down Distribution						2			2
TVS			6			1			7
VC 40225				2					2
VC 40226				1					1
Violation Date vs. Conviction Date			3						3
Workbook								1	1
Total	46	4	86	12	16	10	2	4	180

Category A: General Questions

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	1	Bail Schedule	January 6, 2017	Q	Local County Bail Schedule – Where or to whom at the Judicial Council should local courts send their annual updates?
				A	In accordance with the California Rules of Court 4.102, after a court adopts a countywide bail and penalty schedule under Penal Code section 1269b, the court must, as soon as practicable, mail a copy of the schedule to the Judicial Council with a report stating how the revised schedule differs from the council’s uniform bail and penalty schedule. These should be sent to the: Criminal Justice Services Judicial Council 455 Golden Gate Avenue San Francisco CA 94102-3688
A	2	Bail Schedule	May 13, 2013	Q	Local County Bail Schedule - where can I find the details/rules/requirements for public notice?
				A	Please refer to the California Rules of Court (CRC) 10.613, which can be found at http://www.courts.ca.gov/cms/rules/index.cfm?title=tent&linkid=rule10_613 . The CRC provides public notice requirements for the adoption of local rules, including the adoption of a local county bail schedule.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	3	Bail Schedule	July 9, 2014	Q	If the Vehicle Code only mandates fine amounts, is the uniform bail schedule just a suggested amount?
				A	<p>No. Under Vehicle Code section 40310 and Penal Code (PC) section 1269b(c), courts are required to follow the Judicial Council’s bail schedule for traffic infractions unless there are reduced penalties that apply in the county. Option counties, as defined by Section 77004 of the Government Code, may elect to increase the bail under PC section 1463.28, or, a judicial officer may exercise discretion in sentencing for an individual case. The Judicial Council’s bail schedules for traffic misdemeanors and non-traffic violations provide recommendations for courts to follow in adopting county bail schedules under PC section 1269b.</p> <p>California Rules of Court, rule 4.102, requires courts to give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council when adopting local county bail schedules. Under rule 4.102, after adoption of a local county bail schedule, a court is required to mail a copy of the local bail schedules to the Judicial Council with a report stating how the schedules differ from the schedules approved by the council. This rule can be found at http://www.courts.ca.gov/cms/rules/index.cfm?title=four&linkid=rule4_102.</p>
A	4	Civil Assessment	January 6, 2017	Q	<p>Part 1: Does someone add the civil assessment and give the defendant 20 days?</p> <p>Part 2: Or do you send the notice and add the civil assessment after 20 days?</p>
				A	<p>Under Penal Code section 1214.1(b)(1), the civil assessment is imposed by the court to be effective 20 calendar days after mailing of a notice of the assessment. If the defendant appears within the 20 days and shows good cause for the failure to appear or failure to pay, the court must vacate the assessment.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	5	Community Service/ Custody Credit	May 13, 2013	Q	When judges order community service in lieu of a fine, they are ordering it for the total amount of the fine. Should they be ordering community service for the fine amount and then waiving the assessment fees separately on the record?
				A	The court operations assessment under Penal Code section 1465.8 (previously known as a court security fee) and the criminal conviction assessment under Government Code section 70373 are mandatory fees that must be imposed for each conviction. (People v. Woods (2010) 191 Cal.App.4th 269.) No authorities expressly authorize a court to convert these assessments to community service or to waive the assessments after imposition when a defendant is referred to community service for the underlying fine.
A	6	Cost Analysis	July 6, 2017	Q	Cost study – how old can it be?
				A	We are not aware of a statute or policy that addresses how often to update cost studies. Nevertheless, cost studies should reflect the current actual operating costs for performing a specific activity. Since the major component of operating costs will likely come from labor costs, entities should consider preparing a new cost study whenever a material change in labor cost or the level of effort associated with the specific activity occurs.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	7	Court Minute Record	May 15, 2013	Q	When fines and fees are ordered, does the judge/commissioner have to state each one on the record?
				A	<p>Yes. For penalty assessments and the 20% state surcharge it is an acceptable practice for bench officers to use a shorthand reference to “penalty assessments” and rely on the trial court clerk to specify the penalties and surcharge in appropriate amounts in the minutes and the abstract of judgment. (People v. Sharret (2011) 191 Cal.App.4th 859.)</p> <p>For criminal conviction and court operation assessments, the trial court is required to orally impose the assessments as to each of the counts of which defendant is convicted, including the stayed counts. (People v. Sencion (2012) 211 Cal.App.4th 480, 484.)</p>
A	8	Court Minute Record	May 12, 2015	Q	County drug program fee—if there are more than three (3) convictions for violation of the code, but only a \$150 fee is ordered, can a clerk add the other two?
				A	Unless delegated authority to the clerk is clearly outlined in a standing order, the clerk should only charge the amount ordered, as stated on the minute order.
A	9	Court Minute Record	May 12, 2015	Q	Is it acceptable for a judge to say “plus all penalties and assessments” or must the judge cite all?
				A	Pursuant to People v. High (2004), 119 Cal. App. 4th 1192 , it is necessary for a judicial officer to verbally cite all fines and fees and abstract them as separate fines, fees, penalties, assessments, and/or surcharges so as not to allow for mistake or ambiguity.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	10	Distribution	April 18, 2013	Q	If our court finds an error in a distribution or various distributions - we make the changes in the distributions going forward. However, how far back do we need to go to make the corrections to the distributions? This current FY? Or up until last audit?
				A	The corrections need to be made as far back as the last SCO audit.
A	11	Distribution	July 15, 2013	Q	If a citation is issued pursuant to a California Code of Regulations (CCR), how do I determine distribution?
				A	Unless the regulation or the statute it enforces specifies a distribution, the citation will be distributed pursuant to Penal Code section 1463.001.
A	12	Enhancements	May 13, 2013	Q	What is the statute or basis for the base fine "prior" enhancements noted in Bail Schedule section VII of the Uniform Bail & Penalty Schedule?
				A	Under Vehicle Code section 40310, the Judicial Council is authorized to establish a uniform traffic penalty schedule that is applicable to all non-parking Vehicle Code infractions. Section 40310 provides the council with the authority to establish uniform penalty enhancements for prior Vehicle Code infraction convictions where the code does not specify an amount.
A	13	Jurisdiction	April 1, 2013	Q	How do you handle distribution of the "out of county" citations?
				A	The arresting agency's jurisdiction would receive the funds. (53 Ops. Cal. Atty. Gen. 29 (1969).)

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses
A	14	Jurisdiction	April 1, 2013	<p>Q A City police officer writes a ticket in another city; who has jurisdiction?</p> <p>For example, officer of City A writes a ticket in City B, who gets the money? City A as employer of officer OR City B whose jurisdiction the officer was in?</p> <p>Please clarify whether we should distribute based on the LOCATION of an arrest when distributing per Penal Code section 1463.001. We have agencies that frequently do traffic enforcement in a jurisdiction other than their own jurisdiction.</p>
				<p>A The arresting agency. (In example above, distribution would be to arresting agency City A. (53 Ops.Cal.Atty.Gen. 29 (1969).)</p>
A	15	Jurisdiction	April 1, 2013	<p>Q If the city has a police department and the California Highway Patrol (CHP) writes a citation in the city, is the county exempt from sending the city revenue under Penal Code section 1463.002?</p> <p>In other words, does all the revenue go to county when the city has its own police department?</p>
				<p>A The location the CHP officer writes on the citation determines whether the arrest is considered either a “city arrest” or a “county arrest” as defined in Penal Code (PC) section 1463. If the CHP officer cites the location of the violation as occurring within city limits, the arrest is considered a “city arrest;” otherwise, the arrest is considered a “county arrest.” Distribution will follow PC section 1463.001 and PC section 1463.002.</p> <p>For more information on distribution of PC section 1463.001 collections, please refer to the <i>SCO’s Trial Court Revenue Distribution Guidelines</i>.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	16	Jurisdiction	May 12, 2015	Q	When schools issue DUI and speeding citations, are they enforceable by the court, or must fines collected be remitted to the local court/county?
				A	<p>Statutes that govern citations for infractions and Vehicle Code violations authorize peace officers to issue Notices to Appear to be filed with the court.</p> <p>Under both the Education Code (sections 38000 et seq.; 72330 et seq.; 89560 et seq., and 92600 et seq) and the Penal Code (sections 830 et seq.), peace officers include: (1) persons employed and compensated as members of a police department of a school district, when duly sworn; (2) members of a California Community College police department; (3) any peace officer employed by a K-12 public school district who has completed training as a school police officer, and; (4) members of the University of California Police Department or the California State University Police department. Citations issued by these peace officers should be treated in the same manner as citations issued by local peace officers.</p>
A	17	Juvenile	May 13, 2013	Q	Do fines and penalties apply to juveniles?
				A	<p>Courts may impose fines, penalty assessments, and the state surcharge on juvenile offenses. However, the \$40 court operations assessment imposed pursuant to Penal Code section 1465.8, the criminal conviction assessment imposed pursuant to Government Code (GC) section 70373, and the emergency medical air transportation (EMAT) penalty imposed pursuant to GC section 76000.10 may only be imposed with a conviction.</p> <p>Therefore, these three assessments may not be imposed for juvenile violations that do not result in convictions when they are adjudicated in Informal and Juvenile Traffic Court under Welfare & Institutions Code section 255. (See Egar v. Superior Court (2004) 120 Cal.App.4th 1306, which held that juvenile court's adjudications of misdemeanors were not convictions for a criminal offense within meaning of statute imposing court security fee, the predecessor to the court operations assessment.)</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	18	Juvenile	May 12, 2015	Q	How does distribution differ between juvenile and adult cases?
				A	The distribution of fines from adult and juvenile cases (heard in adult court) does not differ.
A	19	Juvenile	May 12, 2015	Q	On a Juvenile DUI, which fees are not applicable?
				A	The Criminal Conviction Assessment and Court Operations Assessment are imposed upon conviction and are applicable to juvenile DUI cases only if the case was heard in adult court and resulted in a conviction.
A	20	Late Penalty under VC 40310	April 18, 2013	Q	How long has the 50% late penalty listed in Vehicle Code section 40310 been required?
				A	The language requiring the 50% late fee was first added to Vehicle Code section 40310 effective September 15, 1992.
A	21	Late Penalty under VC 40310	April 18, 2013	Q	Where is the 50% late penalty distributed?
				A	The 50% late penalty is distributed proportionately to the same funds as the initial penalty. For more information on the distribution of Vehicle Code section 40310 collections, please refer to the SCO's <i>Trial Court Revenue Distribution Guidelines</i> .
A	22	Late Penalty under VC 40310	July 9, 2014	Q	Is the late penalty imposed pursuant to Vehicle Code sections 40310 only assessed if the court sends a notice of total penalty due?
				A	Yes. The Vehicle Code 40310 late charge of 50% on any traffic penalty is imposed on any traffic penalty not paid within 20 days. The 20 days is counted from the mailing of the notice in which the penalty has been assessed. This is a separate notice from the courtesy notice.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	23	Late Penalty under VC 40310	July 9, 2014	Q	The 50% late penalty applies 20 days after a notice is sent. What if no notice is sent?
				A	<p>If the court has not mailed a notice that the traffic penalty has been assessed by the court, a late charge cannot be added.</p> <p>Under Vehicle Code section 40310, a 50% late charge is due from the defendant after the court has mailed a notice informing the defendant that the court has assessed a traffic penalty and the defendant fails to pay the traffic penalty within 20 days of the mailing of this notice.</p>
A	24	Legislation	January 6, 2017	Q	How are I made aware of statutory changes affecting distributions?
				A	<p>Websites, such as the California Legislative Information website, provide useful tools to keep track of statutory changes that may affect you. An example is the My Subscriptions tab on http://leginfo.legislature.ca.gov/.</p> <p>In addition to the annual revision of the State Controller's Office (SCO) <i>Trial Court Revenue Distribution Guidelines</i>, the SCO also posts addendums to the <i>Guidelines</i>, should there be any change in court revenue distribution statute. These addendums would include any urgency legislation or information not included in the <i>Guidelines</i> that may have been signed into law before the next revision of the Guidelines.</p>
A	25	Legislation	April 1, 2013	Q	How does the probation department get notification of distribution changes?
				A	Refer to A 24. Probation departments may also ask courts to provide changes to distribution tables.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	26	Legislation	January 6, 2017	Q	Are there any resources that have the sunset dates (other than the individual code sections) for all fines/fees/penalty assessments that have end dates?
				A	The <i>Trial Court Revenue Distribution Guidelines</i> , found on the State Controller's Office website, highlights the sunset date of some code sections that have specified a sunset date. However, it is important that you check current code as more recent legislation may have made changes since the last update.
A	27	Mandatory Assessments	April 1, 2013	Q	When does a court have to assess a fine or fee?
				A	When the statute requires it (mandatory language such as must, shall, will) and/or it is a minimum mandatory amount.
A	28	Mandatory Assessments	July 9, 2014	Q	Regarding Mandatory Fines, if the fine is mandatory (example County Drug), is the penalty assessment mandatory?
				A	Yes. Applicable penalty assessments are mandatory for a criminal fine. See <i>People v. Castellanos (2009) 175 Cal.App.4th 1524</i> . If a fine is imposed and suspended, Penal Code section 1464(b) requires that penalty assessments be reduced in proportion to the fine suspension.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	29	Priority	January 6, 2017	Q	How do we apply payments to traffic citations if the defendant owes many citations?
				A	<p>The priority level applies to installment payments and is not determined by the type of crime, but rather the purpose to which the funds will be applied.</p> <p>For more information on the priority of a specific court revenue distribution, please refer to SCO's <i>Trial Court Revenue Distribution Guidelines</i> on pages 5-6. There is a column solely dedicated to indicating the priority of distribution.</p> <p>Additionally, further information can also be found under "Court Surcharge Distribution Guidelines" on the SCO website http://sco.ca.gov/ard_trialcourt_manual_guidelines.html.</p>
A	30	Priority	April 18, 2013	Q	<p>If there are multiple court orders, including restitution and non-restitution charges:</p> <ol style="list-style-type: none"> 1. Should the restitution be paid first to all the Court orders, OR 2. Should the restitution be paid to the oldest court order first, pay off all the non-restitution including fees and then pay restitution to the next court order.
				A	The restitution should be paid first to all the Court orders.
A	31	Priority	April 18, 2013	Q	Is there a payment priority for Vehicle Code, Penal Code, Health & Safety Code, etc. for multiple offenses?
				A	No, regular distribution is followed.
A	32	Priority	April 18, 2013	Q	Monthly work fee vs. restitution to victims, which one pays first?
				A	Restitution to victims.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	33	Priority	April 18, 2013	Q	In the installment payment priority, do all payments have to be applied to the court ordered fine first before they can be applied to county imposed fees such as probation supervision fees and reports costs?
				A	Yes, fines fall within priority 3 and fees typically fall within priority 4. Additional guidance can be found on the SCO website under the “Court Surcharge Distribution Guidelines” link http://sco.ca.gov/ard_trialcourt_manual_guidelines.html .
A	34	Priority	April 18, 2013	Q	How long has Penal Code section 1463.18(a)(1) been the top priority in Priority 3?
				A	It has been the top priority since AB 3000 was enacted in 2002 which established priority of installment payments.
A	35	Priority	May 14, 2013	Q	Can you please advise what priority these should be 1) Government Code (GC) section 70372(a) – State Court Construction Penalty – the portion distributed to the Immediate and Critical Needs Account. 2) GC section 70373 – Criminal Conviction Assessment
				A	1) The state court construction penalty is priority 3. Per Penal Code section 1203.1d(b)(3) priority 3 applies to any fines, penalty assessments, and restitution fines ordered pursuant to subdivision (b) of Section 1202.4 of the Penal Code. Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items. 2) The criminal conviction assessment is a non-punitive fee and therefore is included in priority 4.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses
A	36	Priority	July 16, 2013	<p data-bbox="821 222 1520 327">Q If under installment, is distribution using priorities and equitable proration proper? For example, if an A/R has the following:</p> <p data-bbox="862 348 1292 380">20% Surcharge (Priority 2) - \$20</p> <p data-bbox="862 401 1211 432">State PA (Priority 3) - \$70</p> <p data-bbox="862 443 1227 474">County PA (Priority 3) - \$30</p> <p data-bbox="862 485 1479 516">State Courthouse Construction (Priority 3) - \$50</p> <p data-bbox="862 527 1227 558">Base Fine (Priority 3) - \$100</p> <p data-bbox="862 569 1463 600">Court Operations Assessment (Priority 4) - \$40</p> <p data-bbox="862 611 1349 642">Criminal Conviction (Priority 4) - \$35</p> <p data-bbox="862 684 1528 758">The Defendant then makes a payment of \$50, which is distributed as follows:</p> <p data-bbox="862 779 1511 884">20% Surcharge - \$20 – gets paid in full since it has the highest priority and nothing else in the A/R has that priority.</p> <p data-bbox="862 926 1511 1136">This leaves \$30 to distribute between the Priority 3 items. The first thing that happens is the system totals the balance of the Priority 3 items, and uses that number to determine how to distribute the monies equitably between the items with this priority. In this case it is \$250 (\$70+\$30+\$50+\$100).</p> <p data-bbox="862 1178 1511 1283">State PA - \$70 - this is 28% of \$250, so it gets that percentage of the \$30, or \$8.40, leaving a balance of \$61.60</p> <p data-bbox="862 1304 1479 1409">County PA - \$30 - this is 12% of \$250, so it gets that percentage of the \$30, or \$3.60, leaving a balance of \$26.40</p> <p data-bbox="862 1430 1511 1535">State CHC - \$50 - this is 20% of \$250, so it gets that percentage of the \$30, or \$6 , leaving a balance of \$44</p> <p data-bbox="862 1556 1511 1619">Base Fine - \$100 - this is 40% of \$250, so it gets that percentage of the \$30, or \$12, leaving a balance of \$88.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	36	Priority	July 16, 2013	A	Yes, in general there are no priorities within a priority level and the installment payment would be equitably distributed between the various penalties and assessments. There is an exception within priority 3, the distribution pursuant to Penal Code section 1463.18 for DUI violations. After priorities 1 and 2 have been paid, this distribution will occur first before the remaining priority 3 distributions are made.
A	37	Priority	December 9, 2015	Q	When there are multiple court orders, including orders to pay restitution to victims and orders to pay other non-victim restitution amounts, what should be the priority of the payments?
				A	Constitutional and statutory authority require that restitution orders, or parts of orders, be given first priority of distribution. When there are multiple orders, and money is collected from a defendant, the restitution orders, or parts of orders, are to be paid first. Only when the restitution orders have been satisfied may money be disbursed to pay other of the defendant's court debts in the order set forth for those amounts. Therefore, even if a defendant has an old case without a restitution order and a more recent case with a restitution order, the victim restitution order must be paid first. In cases with multiple victims, the restitution orders, or parts of orders, should be paid before other non-victim restitution amounts.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	38	Probation	May 17, 2013	Q	Should fines and penalties be assessed separately for probation?
				A	<p>Fines and penalties are always assessed together. For probation, non-punitive court fees may be assessed separately from fines and penalties. The court operations assessment imposed pursuant to Penal Code section 1465.8 and criminal conviction assessment for court facilities imposed pursuant to Government Code section 70373 are non-punitive fees that are not part of probation.</p> <p>(See <i>People v. Shiseop Kim</i> (2011) 193 Cal.App.4th 836, ruling that court facilities (conviction) assessment imposed on a conviction should be separately imposed and not made a condition of probation;</p> <p><i>People v. Pacheco</i> (2010) 187 Cal.App.4th 1392, holding that a trial court could not make payment of court security fee (now the court operations assessment) a condition of defendant's probation, because fee had a non-punitive purpose and was collateral to defendant's crimes.</p> <p>See also, <i>People v. Woods</i> (2010) 191 Cal.App.4th 269, holding there was no authority that allowed a court facilities (conviction) assessment, restitution fine, and court security fee to be stayed when defendant was placed on probation.</p>
A	39	Probation	April 18, 2013	Q	<p>If Probation utilizes a vendor operated phone-in reporting system and the vendor charges the offender a \$4 fee and probation increases that fee to \$10, can the excess \$6 be applied to Penal Code (PC) section 1203.1b - cost of probation fee before Priority distribution?</p> <p>NOTE: Probation would be discounting the court-ordered PC section 1203.1b fee by an amount equal to that charged for phone-in reporting.</p>
				A	<p>No, the excess would need to be distributed pursuant to the priorities outlined in Penal Code section 1203.1d and would fall under priority 4.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	40	Probation	January 1, 2016	Q	Under Penal Code section 1203.9, if a defendant owes court-ordered debt to both a transferring county and a receiving county, how is that money collected and disbursed?
				A	Effective January 1, 2016, the Transferring Court is responsible for the collection and distribution of any payments made by defendant. Unless, with approval from the Transferring Court, the Receiving Court has elected to collect unpaid court-ordered debt and remit to the Transferring Court for distribution. See Intercounty Fiscal Procedures at: http://www.courts.ca.gov/partners/455.htm .
A	41	Probation	May 12, 2015	Q	Can probation service fees be ordered?
				A	Probation service fees may only be ordered by the court on formal probation cases.
A.	42	Probation	May 12, 2015	Q	Are Penal Code section 1463.001 distributions, if formal probation with fines owed, not subject to city split, unlike summary probation cases?
				A	All fines and forfeitures imposed and collected for crimes (other than parking offenses) are distributed pursuant to Penal Code (PC) section 1463.001. Base fines without specific distributions are distributed 100 percent to the county on county arrests, and are split between the city and county on city arrests, pursuant to PC section 1463.002.
A	43	Probation	May 12, 2015	Q	If probation expires but fines are outstanding, who is responsible for pursuing collection?
				A	The responsible collecting entity is responsible for pursuing collection of delinquent court-ordered fines.
A	44	Resources	April 18, 2013	Q	Where can I find out information on the percentages of a fine distribution to the county, city, etc.?
				A	The <i>Trial Court Revenue Distribution Guidelines</i> on the SCO website provides this information, and is available at the following link: http://sco.ca.gov/ard_trialcourt_manual_guidelines.html . Please refer to current legislation for accuracy.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
A	45	Resources	December 9, 2015	Q	Where can we get a list of what is defined as a "fee" vs a "fine?" I have heard different courts define them differently.
				A	A: Unfortunately, there is no separate list which specifies those amounts treated as fees vs. those treated as fines. However, the <i>Trial Court Revenue Distribution Guidelines</i> , located on the State Controller's website, does indicate when an assessment labeled as a fee is to be treated as a fine, as well as the reverse. Please refer to specific entries in the <i>Guidelines</i> for additional information.
A	46	Resources	December 9, 2015	Q	Can we get a list of current fines/fees that have sunset dates?
				A	There is no separate list of sunset dates for fines and fees. However, the <i>Trial Court Revenue Distribution Guidelines</i> does indicate the sunset date for individual code sections, where appropriate.

Category B: Trial Court Revenue Distribution Guidelines

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
B	1	Distribution Guidelines	April 18, 2013	Q	When will an updated version of the <i>Trial Court Revenue Distribution Guidelines</i> be issued by SCO?
				A	It is anticipated that the <i>Guidelines</i> will be updated in January of each year.
B	2	Distribution Guidelines	April 18, 2013	Q	Can you explain why the <i>Guidelines</i> separates the tables?
				A	The <i>Guidelines</i> are categorized into tables to address code sections that share similar exceptions, conditions, or distributions. Surveys for feedback on the <i>Guidelines</i> were provided at past training sessions and also on the SCO website. Based on the responses from these surveys, the layout and organization of the <i>Guidelines</i> may change in future revisions.
B	3	Distribution Guidelines	April 18, 2013	Q	Does the <i>Trial Court Revenue Distribution Guidelines</i> include discretionary/mandatory language?
				A	The SCO plans on adding this in future revisions of the <i>Guidelines</i> .
B	4	Distribution Guidelines	April 1, 2013	Q	When Revision 22 came out in 2010, it appeared that any changes from the previous version were in bold. I just noticed a change that is not in bold, but not sure if it should be there.
				A	If you believe you have found a mistake in the <i>Guidelines</i> , please contact the State Controller's Office at LocalGovPolicy@sco.ca.gov .

Category C: Statutes

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	1	2% Automation	May 17, 2013	Q	Does 2% automation apply to the penalty assessment imposed pursuant to Penal Code section 1463.25?
				A	Yes, as Government Code section 68090.8 states, the 2% automation transfer applies to fines, penalties, and forfeitures collected in criminal cases.
C	2	50/50 MOE	April 18, 2013	Q	Excess Maintenance of Effort (MOE) payment – Government Code (GC) section 77205. What will be excess MOE payment when total excess MOE is negative or total eligible revenue collection is less than required MOE payment under GC section 77201.1?
				A	If the total qualified revenues used to calculate the 50/50 MOE is under the threshold then no additional payment is needed.
C	3	50/50 MOE	April 18, 2013	Q	Why is the threshold amount for calculating the MOE payment based off FY 98-99?
				A	That is what is required in statute (Government Code section 77205).

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	4	50/50 MOE	July 22, 2013	Q	<p>\$2 Traffic Violator School (TVS) allocation from county's share - no statute clearly states that \$2 TVS (\$1 Government Code (GC) section 76100 & \$1 GC section 76101) should come from county's share?</p>
				A	<p>Pursuant to Government Code section 77205, the 50/50 split of court revenue growth should be calculated based on what would have been remitted to the State pursuant to all applicable statutes as it read on December 31, 1997.</p> <p>As the statute read on December 31, 1997, Vehicle Code (VC) section 42007(b)(1) stated that the 77% of the revenues derived from the TVS fee shall be deposited into the State General Fund before distribution to local construction funds.</p> <p>VC section 42007(b)(2) stated that the remaining amount collected under subdivision (a) shall be deposited in the general fund of the county, provided that in any county in which a fund is established pursuant to Chapter 12 of Title 8 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.</p> <p>In summary, the total distributions to the local construction funds came out of the county's 23% portion of the fee. Therefore, the MOE calculation should be based on 77% of the total fee, not 77% of the fee net of local construction distributions.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	5	50/50 MOE	July 9, 2014	Q	On a red light violation in the county, is the 30% distribution to the ticketing agency part of Government Code (GC) section 77205(a)? Or is it part of non-GC section 77205(a) money?
				A	<p>No, it is not a part of Government Code (GC) section 77205(a) money.</p> <p>The 30% allocation is made prior to the Penal Code (PC) section 1463.001 distribution to the county general fund, so it is separate and not a part of the PC section 1463.001 county general fund distributions that are used in the GC section 77205 maintenance of effort calculations. This means the 30% distribution is not GC section 77205(a) revenue.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	6	50/50 MOE	July 9, 2014	Q	Vehicle Code section 42007 – Is the courthouse construction fund and criminal justice facilities fund subject to 77% listing on the 50-50 Maintenance of Effort (MOE) calculation?
				A	<p>No. To understand if these local construction funds are subject to the 77% listing at Vehicle Code (VC) section 42007, we must understand where that 77% is derived from.</p> <p>Government Code section 77205 details how to calculate the 50-50 split from the excess revenue of eight penalty assessments, one being VC section 42007, based on how the code read on December 31, 1997.</p> <p>At that time, 77% of collections for VC section 42007 went to the State General Fund pursuant to VC section 42007(b)(1); the remaining 23% went to the county general fund and the local construction funds pursuant to VC section 42007(b)(2).</p> <p>The 77% of the VC section 42007 collections distributed to the State General Fund <u>does not</u> include distributions from the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund.</p> <p>The \$1 to the Courthouse Construction Fund and the \$1 to the Criminal Justice Facilities Construction Fund should only be deducted from the remaining 23% of the VC section 42007 collections.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses		
C	7	50/50 MOE	December 9, 2015	<p data-bbox="857 233 1520 743">Q Clarification on exactly how Traffic Violator School (TVS) Fees should be reported with regards to not reducing the calculation basis for those assessments listed below (see yellow highlighted area). I know that there is a FAQ that discusses the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund impacts in particular, but I haven't found anything that explains the other two – Maddy and the cities. It would be helpful if you could review a Traffic School distribution worksheet and show how the TVS fees get reported on the ROR and the 50/50 split calculation with regards to the highlighted instructions below.</p> <table border="1" data-bbox="865 764 1555 961"> <tr> <td data-bbox="865 764 997 961">1500</td> <td data-bbox="997 764 1555 961">Traffic Violator School fees – Report 77 percent of total collections distributed to fund. (Per Appendix C - Revision 22 (July 2010) published by the State Control NOT reduce the calculation basis by distributions to the Maddy Emergency Med Courthouse Construction Fund, Criminal Justice Facilities Construction Fund, or 42007)</td> </tr> </table> <p data-bbox="857 989 1520 1205">A As previously stated in our FAQs, pursuant to Government Code section 77205, the 50/50 split of revenues is calculated based on what would have been remitted to the State General Fund pursuant to all applicable statutes as it read on December 31, 1997.</p> <p data-bbox="857 1226 1520 1619">Prior to 1998, Vehicle Code section 42007 required that 77% of the TVS fee revenue be deposited into the State General Fund. The remaining amount collected was to be deposited in the general fund of the county. There were no provisions for the Maddy EMS penalties or distributions to cities for city arrests. Therefore, the MOE calculation should be based on 77% of the total TVS fee collected and deposited into the county general fund, with no reduction for any of the distributions from the TVS fees.</p>	1500	Traffic Violator School fees – Report 77 percent of total collections distributed to fund. (Per Appendix C - Revision 22 (July 2010) published by the State Control NOT reduce the calculation basis by distributions to the Maddy Emergency Med Courthouse Construction Fund, Criminal Justice Facilities Construction Fund, or 42007)
1500	Traffic Violator School fees – Report 77 percent of total collections distributed to fund. (Per Appendix C - Revision 22 (July 2010) published by the State Control NOT reduce the calculation basis by distributions to the Maddy Emergency Med Courthouse Construction Fund, Criminal Justice Facilities Construction Fund, or 42007)					

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	8	Bail Bond Forfeitures	July 22, 2013	Q	What is the correct distribution of bail bond forfeitures and are they subject to state/county penalty assessments, 2% automation, etc.? This seems to be a common audit (SCO) finding.
				A	<p>Health and Safety Code bail bond forfeitures are subject to 2% automation, pursuant to Government Code section 68090.8, and the remainder is distributed 75% to the State General Fund and 25% to the issuing agency, pursuant to Health and Safety Code section 11502.</p> <p>Penal Code (PC) bail bond forfeitures are subject to 2% automation and the remainder is distributed pursuant to PC section 1463.001 and PC section 1463.002. All bail bond forfeitures are not subject to penalty assessments.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	9	Bail Bond Forfeitures	July 9, 2014	Q	How do we distribute criminal bail bond summary judgments and cash bail forfeitures? Is there a penal code section or reference point that we can use for guidance?
				A	<p>Summary judgment on bail bond is generally governed by Penal Code (PC) sections 1305, 1306, and 1307. The only special distribution requirement known for summary judgment on forfeiture of bail bonds for Penal Code or Health and Safety Code violations is under PC section 1463.009 for certain Penal Code sex crimes.</p> <p>Health and Safety Code bail bond forfeitures are subject to the Government Code section 68090.8 2% state court automation distribution and per Health and Safety Code section 11502, the remainder is generally distributed 75% to state and 25% to the city, if offense occurred in the city, otherwise to the prosecuting county.</p> <p>Penal Code bail bond forfeitures are also subject to the Government Code section 68090.8 2% state court automation distribution and the remainder is generally distributed per PC section 1463.001 and PC section 1463.002. Bail bond forfeitures are not subject to penalty assessments.</p> <p>In addition, please review the SCO <i>Trial Court Revenue Distribution Guidelines</i>, Tables 1, 2, and 3, as these tables provide further distribution guidance for forfeitures, including distribution pursuant to PC section 1463.001, PC section 1463.002 distribution, special distributions prior to PC section 1463.001 distribution, and specific distributions required for certain violations.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	10	Base Fine	May 13, 2013	Q	Why isn't the base fine simply \$40 instead of \$35 so we don't have to consider "portion thereof"?
				A	The Judicial Council adopted the \$35 base bail/fine amount for Vehicle Code moving violations before the various penalty assessment formulas were enacted. The base bail/fine amount has not been raised to avoid increasing the total bail in addition to the higher penalties and fees enacted by the Legislature.
C	11	Board of Supervisors	April 1, 2013	Q	On Government Code section 76000, the county's distribution of the \$7 on \$10 penalty, the court gives them the \$7 and they do the distribution, so would the court need a resolution on this one? Doesn't seem like we would. Please confirm my logic is correct.
				A	No it would not. However, it is advisable to request a copy of the resolution for documentation purposes to support the assessments and distributions that are made.
C	12	Board of Supervisors	July 9, 2014	Q	Please clarify Government Code (GC) 70402(a)(2) in relation to GC 76000(a)(2) on the bond indebtedness date. If the bond indebtedness occurred after January 1, 1991, but still the Board of Supervisors issued a resolution to remit to the Local Courthouse Construction Fund, can they do this?
				A	No. Statutes would prevail.
C	13	Board of Supervisors	July 9, 2014	Q	How frequently does the Board of Supervisors need to update resolutions? Only when statute changes? Annually? Ever?
				A	The Board of Supervisors should update resolutions as statutes change or when local circumstances change.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	14	Board of Supervisors	May 12, 2015	Q	When an amount imposed differs from statute, or it is not updated on a Board of Supervisor (BOS) resolution, should the amount be listed in a resolution?
				A	If the amount being imposed differs from statute, the amount should be referenced in a BOS resolution or outlined in local policy or rule of court that states “reference statutory change.”
C	15	Civil Assessment	April 1, 2013	Q	How is the civil assessment assessed and distributed?
				A	<p>Penal Code (PC) section 1214.1 authorizes a court to impose a civil assessment of up to \$300 against any defendant in an infraction, misdemeanor, or felony case who fails, after notice and without good cause, to appear at an authorized proceeding or to pay a court-ordered fine. (PC section 1214.1(a)) Before any such assessment becomes effective, a court must give the defendant at least a 20-day warning, during which time the defendant may appear and show good cause for his or her prior failure to appear or pay a fine. If such a showing is made, the court must vacate the assessment. (PC section 1214.1 (b))</p> <p>Government Code (GC) section 68085.1(b) requires each superior court to deposit specified fees and fines into an JCC-established bank account “as soon as practicable after collection and on a regular basis. . .” If a county collects civil assessments, it must deposit those amounts into the same JCC-established bank account. (GC section 68085.1(b)) All sums deposited into the bank account are transmitted to the JCC and reported on the TC-145. Under a policy it adopted in August 2007, the Judicial Council allocates net civil assessment revenue to the court that imposed the civil assessment.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	16	Civil Assessment	May 12, 2015	Q	Can we add civil assessment to the State restitution fine when that is the only thing ordered from the judge and it becomes delinquent?
				A	Yes. The civil assessment may be added to delinquent fines.
C	17	Civil Assessment	July 6, 2017	Q	<p>Can you add a Civil Assessment for Failure to Pay when there is no agreement by the defendant for a payment plan?</p> <p>We have many defendants who receive a courtesy notice stating the fine for a ticket, but they send in only part of the amount and we never hear from them again. There is no payment plan or agreement.</p> <p>May we accept the underpayment and also civilly assess them \$300.00?</p>
				A	<p>The court may accept the partial payment, but may impose a civil assessment for failure to pay only after a conviction and imposition of a fine or a written agreement to pay bail under Vehicle Code (VC) section 40510.5. (Penal Code section 1214.1)</p> <p>VC section 40510.5(a)(4) requires a written agreement. Nevertheless, the court may impose a civil assessment for failure to appear in the cases described, assuming the defendant did not appear as promised or post and forfeit the full bail when an appearance is not mandatory. When a defendant fails to appear in court or fails to contact the court by the due date on the citation or notice, the court may adjudicate a traffic case by proceeding with a Trial by Declaration in Absentia pursuant to Vehicle Code section 40903. The cases are submitted to the judicial officer, and, upon review, the judicial officer finds the defendant guilty or not guilty based on information in the Notice to Appear. A decision notice is sent to the defendant and if there is no response by the defendant within 25 days, a \$300 failure to pay civil assessment is imposed pursuant to Penal Code section 1214.1.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	18	Community Service/ Custody Credit	January 6, 2017	Q	Can work service or jail time be applied to State Restitution, the Criminal Assessment and the Court Operations assessment in lieu of the fine? If not, could you please provide the statute?
				A	<p>Jail time credits may not be applied to either the criminal conviction assessment for court facilities or court operations assessment, which are non-punitive. (See People v. Robinson (2012) 209 Cal.App.4th 401, ruling that a defendant's presentence custody credits that exceeded the maximum term of imprisonment available for the offense could not be used to offset the court facilities assessment for conviction, since the assessment is non-punitive.)</p> <p>Penal Code (PC) section 2900.5(a) provides that jail time credits for misdemeanor and felony convictions are first applied to the term of imprisonment imposed and the remaining days are applied to the base fine.</p> <p>PC section 1205, which authorizes the jailing of defendants until the fine owed is satisfied, excludes the conversion of restitution fines to custody credits.</p> <p>There are no cases that directly address whether the criminal conviction assessment or court operations assessment may be converted to community service. The answer may depend on whether the violation is an infraction or a convicted offense with probation.</p> <p>For infractions, PC section 1209.5 allows conversion to community service of all “assessments, penalties, and additional monies to be paid by the defendant.” When probation is granted for an offense, PC section 1205.3 authorizes conversion of fines and restitution fines to community service, but does not authorize conversion of fees to community service.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	19	Community Service/ Custody Credit	January 6, 2017	Q	If a defendant is ordered to do community service on the whole fine amount but only completes partial community service, what part is community service and what part is paid?
				A	Under Penal Code section 1205.3, community service is performed as a condition of probation. If community service work is performed in place of fines, the amount of the base fine shall be reduced on a proportional basis. The penalties and state surcharge will be recalculated on the basis of the remaining base fine. Any non-punitive assessments shall not be reduced, if the violation is a felony or misdemeanor
C	20	Court Operations Assessment	July 23, 2013	Q	Can the county enact its own Court Security Fee? Even after the Realignment the State is still paying the counties but more research is needed.
				A	Currently, the Court Security Fee (which has been renamed the Court Operations Assessment per Penal Code section 1465.8) is distributed to the Trial Court Trust Fund for the purpose of funding trial court operations. In order for the county to enact its own assessment, legislation would need to be enacted authorizing counties to make this specific assessment.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	21	Court Operations Assessment	May 15, 2013	Q	Do you assess the Court Operations Assessment on each violation even if dismissed?
				A	<p>Yes, unless the charge is dismissed upon acquittal. The court operations assessment [formerly the court security fee] under Penal Code section 1465.8 and criminal conviction assessment under Government Code section 70373 are mandatory assessments that must be imposed for each conviction. (<i>People v. Woods</i> (2010) 191 Cal.App.4th 269.)</p> <p>A trial court is required to orally impose the assessments as to each count for which a defendant is convicted, including those stayed under statutes prohibiting multiple punishments. (<i>People v. Sencion</i> (2012) 211 Cal.App.4th 480.)</p> <p>Several cases have ruled on the mandatory nature of the assessments for each conviction. The assessments are mandated for each of the defendant's convictions, even when the sentence on a count is stayed as well as for crimes that were committed prior to the operational date of the assessment statutes, and thus the Court of Appeal could modify the judgment to reflect the imposition of the assessments and amend the abstract of judgment to reflect the modified judgment. (<i>People v. Crabtree</i> (2009) 169 Cal.App.4th 1293.)</p> <p>A trial court imposing the assessments on a defendant must impose the assessments for each of defendant's convictions. (<i>People v. Walz</i> (2008) 160 Cal.App.4th 1364.) Moreover, a defendant who pleaded guilty to nine separate offenses charged in five different cases was subject to nine assessments, one for each conviction. (<i>People v. Schoeb</i> (2005) 132 Cal.App.4th 861.)</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	22	Court Ordered Debt	April 1, 2013	Q	What is a clear definition of "court-ordered debt" relating to traffic and criminal?
				A	<p>Court-ordered debt is defined as fees, fines, forfeitures, penalties, restitution, and assessments related to criminal offenses, including traffic offenses, by adults and juveniles, as well as status offenses by juveniles. (Note that parking offenses cited as an administrative offense on parking tickets that are not filed with the court are not included.)</p> <p>The following items are required to be reported on the Report of Revenues (ROR), but are not court-ordered debt: fee for recording/indexing documents (Government Code (GC) section 27361(b)), additional parking penalty on parking tickets that are not filed with the court (GC section 76000(b)), "900" telephone numbers (GC section 77211), dissolution of marriage fee (GC section 26859), and surcharges on parking tickets that are not filed with the court (GC section 70372(b)).</p> <p>Report the gross amount of court-ordered debt collected by the court and/or county. The gross amount is the total amount collected before any distributions, or adjustments for cost-of-collection activities (Penal Code section 1463.007). In situations where only the net amount after distributions and adjustments can be determined, it is acceptable to report the net amount. In such cases, please note in the footnotes tab of the ROR that the net amount is being reported.</p> <p>Much of the court-ordered debt collected is also required to be reported by line item elsewhere on the ROR, but the total amount collected should be reported on this line. It is anticipated that the total amount reported on this line will include amounts not reported elsewhere on the ROR.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	23	Court Ordered Debt	April 1, 2013	Q	Is a traffic ticket (moving violation) a court ordered debt?
				A	A traffic ticket by itself does not create a court-ordered debt. A traffic ticket results in a court-ordered debt after a defendant has signed an agreement to pay or the court has adjudicated the violation and imposed a sentence.
C	24	Distribution Guidelines	July 21, 2017	Q	In the <i>Guidelines</i> , the distinction of fine vs. fee in Penal Code section 1463.14(b) is unclear.
				A	Penal Code section 1463.14(b) is collected as a fine, because it is identified as a penalty. However, as it is not subject to state and local penalty assessments, and is used to pay for the costs of performing blood, breath, or urine analysis for alcoholic content, it is distributed as a fee, under priority 4
C	25	DNA	May 15, 2013	Q	Additional DNA \$1/\$10 – Is this assessed as of violation or conviction date?
				A	The DNA penalty and other criminal penalties are assessed as of the violation date. Increasing the penalty for a crime at the time of sentencing, which would be after the crime was committed, would violate ex post facto prohibitions. (See <i>People v. Voit (2011) 200 Cal.App.4th 1353</i> , ruling that the defendant's crimes took place before enactment of statutes authorizing additional penalties to fund emergency medical services, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and Department of Justice forensic laboratories, and thus defendant was not subject to those penalties under ex post facto principles.)
C	26	DUI Assessments	May 12, 2015	Q	Should the Penal Code (PC) section 1463.14(a) and PC section 1463.16 be assessed on all Vehicle Code (VC) section 23103 and VC section 23104 violations? If so, when?
				A	Yes, both fees should be assessed upon conviction of a violation of VC sections 23103 and 23104; fifty dollars (\$50) of each fine collected should be deposited for alcoholism program and services.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	27	EMAT	May 15, 2013	Q	<p>Why is the \$4 Emergency Medical Air Transportation (EMAT) penalty assessed only once in a case with multiple violations disposed as traffic school? Shouldn't the EMAT penalty follow the court operations and criminal conviction assessments of "for every conviction"?</p>
				A	<p>The \$4 charge for Emergency Medical Air Transportation (EMAT) under Government Code (GC) section 76000.10(c)(1) is a penalty that is collected as part of the Traffic Violator School (TVS) fee for the one offense that receives a confidential conviction for completion of TVS under Vehicle Code section 42007.</p> <p>The administrative assessments for court operations and criminal conviction, however, are assessments that must be imposed for each offense that is resolved by completion of TVS. Both Penal Code section 1465.8(a)(2) and GC section 70373 expressly provide that the assessments are imposed for each "conviction" including the dismissal of a traffic violation for attendance of TVS.</p>
C	28	Enhancements	April 1, 2013	Q	<p>Health & Safety Code (H&S) section 11372.5 of up to \$50 and H&S section 11372.7 of up to \$150 are fees that act as fines and that enhance the base fine for penalty assessments and surcharge calculations. However, if a judge does not assess a base fine:</p> <ol style="list-style-type: none"> 1. Can both H&S section 11372.5 and H&S section 11372.7 be assessed? 2. If yes to #1, should penalty assessments and 20% surcharge be calculated and assessed? For example, if H&S fees/fines are \$50 each, then there will be \$100 resulting in penalty assessment of \$290 (\$29 per 10 x 10) and 20% surcharge of \$20 (100 x 20%). 3. If no to #1, then there should be no penalty assessment and only flat assessments such as court operations and criminal conviction assessments. Correct?

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	29	Enhancements	May 17, 2013	A	<p>1. Yes. Although described in Health and Safety Code (H&S) section 11372.5 as a criminal laboratory analysis “fee,” it is a fine. (<i>People v. Sharret</i> (2011) 191 Cal.App.4th 859.) The drug program fee imposed under H&S section 11372.7 is a “fine” or a “penalty.” (<i>People v. Sierra</i> (1995) 37 Cal.App.4th 1690.) The court can impose both as part of the base fine, as separate enhancements to the base fine, or as independent fines without imposing an additional base fine amount. On sentencing in a drug conviction, if there are counts that are stayed under statutory prohibition against multiple punishment for crimes arising from an indivisible course of conduct, the criminal laboratory analysis fee for the count must be stayed since it is punitive in nature. (<i>People v. Sharret</i> (2011) 191 Cal.App.4th 859.) The same analysis would apply for the drug program penalty on stayed counts. To impose the drug program penalty on counts that are not stayed, the court must consider the defendant’s ability to pay. (<i>People v. Martinez</i> (1998) 65 Cal.App.4th 1511.)</p> <p>2. Yes, the standard penalties and surcharge must be imposed on the fine that is assessed by the court.</p> <p>3. The assessments for court operations and criminal conviction are fees that are imposed for each conviction, including convictions for counts that are stayed. (<i>People v. Sencion</i> (2012) 211 Cal.App.4th 480.)</p>
C	30	Enhancements	April 18, 2013	Q	Health and Safety Code section 11372.7 – since it is up to \$150; does it have to be imposed?
				A	It is subject to the person’s ability to pay as determined by the court.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	31	Enhancements	May 16, 2013	Q	<p>\$10 enhancement:</p> <ul style="list-style-type: none"> • Per violation in a single case? • Must the prior conviction be the same as the current violation?
				A	<p>Pursuant to Vehicle Code (VC) section 40310, the Judicial Council established a \$10 base fine enhancement for prior VC moving violation convictions.</p> <p>The base bail/fine of one VC moving violation with a point on the current citation may be enhanced by \$10 for each citation in the previous 36 months that has a conviction for one or more moving violations that carries a point. For example, if there are two citations in the previous 36 months that each have a conviction for one or more moving violations that carries a point, the base bail/fine of one moving violation with a point on the current citation may be enhanced by \$20 (\$10 for one conviction on each previous citation). In contrast, if there is one citation in the previous 36 months that has a conviction for 2 moving violations that carry a point, the base bail/fine of the current moving violation with a point may be enhanced by \$10.</p> <p>In summary, the enhancements are based on the number of citations that contain a point in the previous 36 months and not the number of violations. The prior violation does not need to be the same as the current violation.</p>
C	32	Enhancements	May 12, 2015	Q	Is the criminal lab fee, imposed for violations of Health and Safety Code section 11350, applied to the violation only or does it also apply to subsections of the violation?
				A	If the subsection is not referenced, it would apply to entire section.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	33	Enhancements	May 12, 2015	Q	Should the \$10 additional fine for robbery, burglary, etc., (under Penal Code section 1202.5) be distributed to the county or can it be distributed directly to agency?
				A	The fine should be distributed to the county, not agency. Or, all fines could be held in trust until transferred to the local law enforcement agency.
C	34	Enhancements	May 12, 2015	Q	Since the \$10 ordered under Penal Code section 1202.5 is a “fine”, is it subject to the standard “ <i>Additional Penalties and Surcharges</i> ” to the 2% automation?
				A	Yes, the \$10 fine is an enhancement and should be added in addition to any other fine or penalty. Since it is a “fine,” it is subject to the 2% automation.
C	35	Facilities	July 9, 2014	Q	Under Government Code section 76000(e), where do we look to see how much the amount is for partial transfer complete? Example: one facility completely transferred and one facility still has bond debt. How do we determine correct amount?
				A	In this example, if the county bond indebtedness for a court facility remains unpaid, the local penalties in Government Code (GC) section 76000(e) do not apply. The court should continue to impose the \$7 per \$10 local penalty in GC section 76000(a) until bond indebtedness associated with a court facility is retired.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	36	Facilities	April 1, 2013	Q	Please elaborate on the three criteria listed in Government Code section 76000(e).
				A	<p>The three criteria prior to having the \$7 of Government Code section 76000 reduced to the amount in the chart in subdivision (e) are:</p> <ol style="list-style-type: none"> 1. All court facilities in the county have been transferred. [This was done by Dec. 31, 2009.] 2. The bond indebtedness for any court facility that is paid from that fund is retired. 3. The remaining money in the local fund is transferred to the state. <p>“76000(e) The seven-dollar (\$7) additional penalty authorized by subdivision (a) shall be reduced in each county by the additional penalty amount assessed by the county for the local courthouse construction fund established by Section 76100 as of January 1, 1998, when the money in that fund is transferred to the state under Section 70402. The amount each county shall charge as an additional penalty under this section shall be as follows . . .</p> <p>“70402. (a) Any amount in a county's courthouse construction fund established by Section 76100, shall be transferred to the State Court Facilities Construction Fund at the later of the following dates:</p> <ol style="list-style-type: none"> (1) The date of the last transfer of responsibility for court facilities from the county to the Judicial Council or December 31, 2009, whichever is earlier. (2) The date of the final payment of the bonded indebtedness for any court facility that is paid from that fund is retired.
C	37	GC 76000 Local Penalty	July 9, 2014	Q	Under Government Code (GC) section 76000(e), if debt is satisfied and some portion of the debt was paid from the county general fund, can the county continue collecting GC section 76000(e) revenue to recoup general fund contribution prior to sending funds to state?
				A	No.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	38	Installment Payment Fee	May 24, 2013	Q	<p>Can we apply \$30 accounts receivable fee or \$35 installment fee to any fine or fee that the court orders?</p> <p>For instance if the court only orders a \$100.00 restitution fine or just a court security fee (now known as the Court Operations Assessment) can we assess the stay or installment fees whether or not it is a fine or a fee?</p> <p>There seems to be some confusion and we didn't know if there was law that said we could not assess it if it was a fee.</p>
				A	<p>No, these fees cannot be charged in all cases; certain restrictions apply depending on the circumstances.</p> <p>Vehicle Code (VC) section 40510.5(g) allows a clerk to collect a fee of up to \$35 for establishing an installment payment account for certain traffic infractions before adjudication. It authorizes installment payments for the “total bail amount,” which includes the \$40 court operations assessment and \$35 conviction assessment. (VC section 40510.5(a).)</p> <p>For cases when a traffic infraction case has been adjudicated or where VC section 40510.5 does not otherwise apply, Penal Code section 1205(e) authorizes collection of fees for setting up installment accounts or accounts receivable when a fine is ordered. It does not authorize collection of the fees when the court is imposing only fees or setting accounts for the collection of solely fees, restitution fines, or restitution orders.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	39	Installment Payment Fee	May 29, 2013	Q	What are the differences between Penal Code section 1205(e), Vehicle Code (VC) section 40510.5(g), and VC section 42007(a)(2)?
				A	<p>Penal Code (PC) section 1205(e): PC 1205(e) authorizes collection of fees for setting up an installment payment account or an account receivable for a fine. The fee for an installment payment account shall be an amount that is equal to the administrative and clerical costs as determined by the court or by the board of supervisors, depending on which entity administers the account. The fee for setting up an account receivable shall be an amount equal to the administrative and clerical costs as determined by the court or by the board of supervisors, depending on which entity administers the account, but no greater than \$30.</p> <p>Vehicle Code (VC) section 40510.5(g): VC 40510.5 authorizes a fee of up to \$35 for administrative and clerical costs for setting up an installment account when a court clerk processes a bail forfeiture payment plan for a Vehicle Code infraction prior to sentencing and the defendant pays at least 10 percent of the total bail at the start.</p> <p>VC section 42003: VC 42003 authorizes the court to provide in the judgment for a fine to be made within a specified time or through installment payments.</p> <p>VC section 42007(a)(2): VC 42007 controls the fee and requirements for standardized installment payment plans set up by a clerk for a Traffic Violator School (TVS) fee. VC 42007 authorizes a fee of up to \$35 for administrative and clerical costs to establish an installment account for the TVS fee. Defendant must pay at least 10 percent for the initial payment and the repayment period may not exceed 90 days.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	40	Installment Payment Fee	May 15, 2013	Q	Please clarify installment/account receivable fee statutes. (Penal Code section 1205 \$30; Vehicle Code (VC) section 42007(a)(2) and VC section 40510.5(g), \$35; Probation \$50)
				A	Refer to question and response C 38. In addition, if the court approves processing the payment by establishing an account receivable without payment in installments, under Penal Code (PC) section 1205(e) the account receivable fee is equal to the administrative and clerical costs, but not more than \$30. For probation, under PC section 1203.1b(h) the board of supervisors, by resolution, may establish a fee for the processing of payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments, except that the fee shall not exceed \$75.
C	41	Installment Payment Fee	May 20, 2013	Q	Can we charge two installment payment fees? If a client is given time to pay the total bail (e.g. 4/15/13) we add the \$30. Then, on 4/15/13, the client wants to set up an installment payment plan can we charge another \$30 OR If the client wants another date to pay the total in the future, can we charge an additional \$30?
				A	There is no legal authority that clearly addresses whether the entity responsible for collecting a fine may collect successive installment account fees under Penal Code section 1205(e). If the court sets up an account receivable for payment of the full fine by a future date without installments and subsequently establishes a payment plan to accept payment of the fine in installments, the court may collect the accounts receivable fee and then subsequently collect an installment fee.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	42	Installment Payment Fee	May 20, 2013	Q	Who gets to keep the \$35 fee under Vehicle Code section 40510.5(g)?
				A	Installment payment fees of up to \$35 under Vehicle Code (VC) section 40510.5(g) and VC section 42007(a)(2) are collected to defray the administrative and clerical costs for processing the installment payments of bail or the Traffic Violator School fee and are retained by the court or the collecting agency to recoup its costs.
C	43	Installment Payment Fee	May 22, 2013	Q	Installment fee collected by entity – does it include non-government entities (ex. Government Code services)?
				A	A non-government collection agency working on behalf of the court may collect the installment account fee under Penal Code section 1205 and Vehicle Code (VC) section 40510.5, in an amount set by the court. Only the clerk may collect the installment account fee authorized by VC section 42007, for Traffic Violator School.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	44	Installment Payment Fee	May 22, 2013	Q	If fee/fine collected separately, can you assess installment/account receivable fee separately?
				A	<p>Under Vehicle Code section 42010.5, the fee of up to \$35 to recover administrative and clerical costs for installment accounts processed by court clerks may be collected by a court or collecting agency for installment payment of the total bail amount. The installment fee is limited to \$35 for collecting the total bail amount including the portions that are equal to the court-ordered fine and fees.</p> <p>Penal Code (PC) section 1205 permits the court or a collecting agency to impose a fee to recover the administrative and clerical costs for processing an installment account or an account receivable for collecting fines. If the court-ordered fees are collected separately, an accounts receivable fee is not authorized and an installment payment fee is not authorized, except as provided for probation pursuant to PC section 1203.1b(h).</p> <p>If probation is ordered, pursuant to PC section 1203.1b(h), the board of supervisors, by resolution, may establish a fee for the processing of payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed \$75.</p>
C	45	Installment Payment Fee	June 12, 2013	Q	Penal Code section 1205(f) "This section shall not apply to restitution fines and restitution orders... "Is this for the \$30 fee only? Can we still charge a fee for a monthly payment plan?"
				A	No. Penal Code section 1205(f) expressly excludes restitution fines and restitution orders from application of the entire code section, including the authority to impose either a fee for accounts receivable or a fee for installment payments.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	46	Installment Payment Fee	May 15, 2013	Q	Is the installment fee for Vehicle Code infractions up to \$35? Or is the installment fee amount based on admin & clerical costs which may exceed \$35?
				A	The installment payment fee under both Vehicle Code (VC) section 40510.5 and VC section 42007 is equal to the administrative and clerical costs as determined by a cost analysis, but no more than \$35.
C	47	Installment Payment Fee	May 20, 2013	Q	Can you stack admin fees (ex. Penal Code section 1205(e) - \$30 nonforfeiture + \$50 installation payment fee)?
				A	If the court sets up an account receivable for payment of the full fine by a future date without installments and later subsequently establishes a payment plan to accept payment of the fine in installments, the court may collect the accounts receivable fee and then later an installment fee.
C	48	Installment Payment Fee	May 22, 2013	Q	If the court refers a case to the county, can the county impose the installment fee?
				A	Yes. Under Penal Code (PC) section 1205 and Vehicle Code section 42010.5, either the court or the collecting agency may collect the installment account fee. Under PC section 1203.1b(h), if probation is ordered the board of supervisors, by resolution, may establish a fee for the processing of payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed \$75.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	49	Installment Payment Fee	May 15, 2013	Q	If the defendant pays in full and never has an installment plan, can the \$30 or \$35 be imposed?
				A	No. The installment and accounts receivable fees are authorized to recover the administrative and clerical costs to process payments when a defendant requests payment in installments or a continuation to pay at a later date. The court has no authority to recover costs for processing a payment if a defendant pays in full for either bail forfeiture or when the sentence is imposed.
C	50	Installment Payment Fee	June 12, 2013	Q	Can both court and county each charge \$30 account receivable fee pursuant to Penal Code section 1205 (ex. County collects restitution fine and court collects fine)?
				A	No. Penal Code (PC) section 1205(f) expressly excludes restitution fines from the authority of a court or collecting agency to collect a \$30 accounts receivable fee. The authority under PC section 1203.1b(h) for probation departments to collect an installment payment fee does not include the authority to impose a fee for an account receivable that is not paid in installments.
C	51	Installment Payment Fee	May 15, 2013	Q	Can the county charge \$30 if defendant comes out of court and pays restitution fine in full that day?
				A	No. The accounts receivable fee is authorized to recover the administrative and clerical costs to process payments when a defendant requests a continuation to pay at a later date. The court has no authority to recover costs for processing a payment if a defendant pays in full on the day the sentence is imposed.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	52	Installment Payment Fee	June 13, 2013	Q	Installment Fee -- can it be different for fines and fees?
				A	<p>Authority to collect an installment payment fee can vary depending on whether bail, fines, or fees are collected.</p> <p>Vehicle Code (VC) section 42007(a)(2) controls the fee and requirements for standardized installment payment plans set up by a clerk for Traffic Violator School (TVS). Section 42007 authorizes a court to collect an installment payment fee of up to \$35 for administrative and clerical costs to collect the TVS fee with a minimum of 10 percent paid for the initial payment and a repayment period of up to 90 days.</p> <p>VC section 40510.5(g) provides for a fee of up to \$35 to recover administrative and clerical costs for installment accounts when a court clerk processes a bail forfeiture payment plan for Vehicle Code infractions prior to sentencing and the defendant pays at least 10 percent of the total bail at the start.</p> <p>Penal Code (PC) section 1205 permits the court or a collecting agency to impose a fee to recover the administrative and clerical costs for processing an installment account for collecting fines.</p> <p>If probation is ordered, under PC section 1203.1b(h), the board of supervisors, by resolution, may establish a fee for the processing of payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed \$75.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	53	Installment Payment Fee	June 14, 2013	Q	<p>Can the installment or accounts receivable fee (Penal Code (PC) section 1205(e)) be assessed even if only the State restitution fine, court operations or criminal conviction assessment is ordered by the judge?</p> <p>PC section 1205 discusses payment of a fine not payment of fees or assessments. So, what if a defendant is convicted of a DUI but the judge orders him to pay the State restitution fine, court operations assessment and criminal conviction assessment only and the defendant wanted to pay via installment, can a court assess an installment fee?</p>
				A	<p>Refer to question and response #C44.</p> <p>The collection of an installment payment fee under Penal Code (PC) section 1205(e) requires that the court impose a fine, other than the state restitution fine, along with the fees. When a case is referred to probation, an installment payment fee may be imposed under PC section 1203.1b(h) for processing payments made in installments to the probation department, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed \$75.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	54	Installment Payment Fee	July 9, 2014	Q	Related to Penal Code section 1205 installment payment fee, can a \$30 fee be added to establish an accounts receivable (A/R) on traffic A/R or only criminal A/R?
				A	<p>The installment payment fee, as stated in Penal Code (PC) section 1205, is different from the fee used to establish an A/R.</p> <ol style="list-style-type: none"> 1. The PC section 1205 installment payment fee is charged for the processing of installment payments. The installment fee is equal to the administrative and clerical costs, as determined by the board of supervisors or by the court, depending on which entity administers the account. 2. A fee may be charged to establish an A/R on both traffic and criminal accounts receivable. <p>The accounts receivable fee of up to \$30 is expressly stated by this statute and is determined by the board of supervisors or by the court, depending on which entity administers the account.</p>
C	55	Installment Payment Fee	May 12, 2015	Q	Can administrative fee charged under Penal Code section 1205(e) be collected up front?
				A	Yes, the fee may be charged and collected up front; otherwise, the fee becomes part of the payment and the distribution of this fee drops to fourth priority.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	56	Juvenile	May 15, 2013	Q	\$40 court operations assessment – should it be assessed for juvenile traffic cases?
				A	<p>The \$40 court operations assessment may not be imposed when juvenile violations are adjudicated in Informal and Juvenile Traffic Court under Welfare and Institutions Code section 255. In such circumstances, the judgment does not result in a conviction. (See <i>Egar v. Superior Court (2004) 120 Cal.App.4th 1306</i>, holding that juvenile court's adjudications of misdemeanors were not convictions for a criminal offense within meaning of statute imposing court security fee.)</p> <p>The \$40 court operations assessment under Penal Code section 1465.8 and criminal conviction assessment under Government Code section 70373 only apply to convictions and therefore may not be imposed for cases in Informal Juvenile and Traffic Court.</p>
C	57	Late Charge	May 15, 2013	Q	Late charges are mandatory but the civil assessment is discretionary?
				A	<p>Correct.</p> <p>The 50% late charge imposed pursuant to Vehicle Code section 40310 is mandatory when payment is not made within 20 days of notice of a judgment in a traffic case.</p> <p>The civil assessment imposed pursuant to Penal Code section 1214.1 is an additional civil penalty that is permissive, not mandatory, after a failure to appear without good cause or failure to pay a fine ordered by the court or installment bail payment.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	58	Late Charge	May 16, 2013	Q	Can you assess late charge to Traffic Violator School (TVS)?
				A	<p>No. Under Vehicle Code (VC) section 40310, when “a traffic penalty is not paid within 20 days following mailing of a notice that the penalty has been assessed, a late charge shall be due in the amount of 50 percent of total initial penalty.” When attendance of TVS is approved, a defendant pays a TVS fee under VC section 42007 and there is no notice mailed that an initial penalty has been assessed.</p> <p>In addition, if a court approves a TVS payment plan in accordance with VC section 42007(a)(2), the express penalties under VC section 42007(a)(3) for nonpayment are a civil assessment or an arrest warrant. This is supported by the Judicial Council form TR-310, <i>Agreement to Pay Traffic Violator School Fees in Installments</i>, which does not list a late penalty as a consequence in the warning for failure to pay as agreed.</p>
C	59	Late Charge	April 18, 2013	Q	How is the late fee (Vehicle Code section 40310) distributed?
				A	The 50% late penalty is distributed proportionately to the same funds as the initial penalty.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	60	Late Charge	June 14, 2013	Q	How are the late charge and civil assessment assessed?
				A	<p>Penal Code (PC) section 1214.1 and Vehicle Code (VC) section 40310 provide some flexibility for processing a combination of the late charge and civil assessment for failure to pay a fine ordered by the court.</p> <p>Under PC section 1214.1, the civil assessment may be imposed for a failure to pay a fine if the defendant does not provide good cause for the failure to pay within 20 calendar days of a notice of the civil assessment.</p> <p>Under VC section 40310 the late charge will be due if the fine is not paid within 20 days of mailing of a notice that the penalty for the traffic violation has been assessed. After a failure to pay a fine, a court can mail a single notice for both the civil assessment and late charge or separate notices. A single notice could provide warning of both a civil assessment and late charge if the fine is not paid within 20 days of the notice.</p>
C	61	Late Charge	May 15, 2013	Q	Civil Assessments and 50% late charge – are they both mandatory, or just the late charge?
				A	The 50% late charge imposed pursuant to Vehicle Code section 40310 is mandatory when payment is not made within 20 days of notice of a judgment in a traffic case. The civil assessment under Penal Code section 1214.1 is an additional civil penalty that is permissive, not mandatory, after a failure to appear without good cause or failure to pay a fine ordered by the court or installment bail payment.
C	62	Night Court Fee	May 15, 2013	Q	Is the Night Court Fee assessed per violation or case?
				A	The night court fee imposed pursuant to Vehicle Code section 42006 is assessed per case.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	63	Overpayment	May 12, 2015	Q	If a defendant is ordered to pay a fine which includes a \$25 Own Recognizance fee, but the defendant was charged a \$10 fee, what should happen to the extra \$15 ordered by court?
				A	If no agreement to collect additional \$15 as ordered, it should be refunded to defendant, unless impracticable or too costly to search for defendant.
C	64	Priority	July 23, 2013	Q	What is Fifth Priority Distribution - Penal Code section 1203.1d (e)?
				A	<p>There is no longer a fifth priority distribution.</p> <p>From January 1, 2009 through December 31, 2011, Penal Code (PC) section 1203.1d(e) stated if any statute that takes effect after January 1, 2009, either increases the amount of any item or adds a new item that would otherwise be subject to disbursement under paragraphs (2) to (4), inclusive, of subdivision (b), those additional amounts or the amount of any increase shall not be disbursed until after all reimbursable costs have been disbursed pursuant to paragraph (4) of subdivision (b).</p> <p>PC section 1203.1d(e) was amended by Chapter 311, Statutes of 2008, removing the fifth priority distribution. Effective January 1, 2012, distribution reverted back to four priorities.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	65	Priors Assess VC 40508.6	May 17, 2013	Q	How is an Administrative Fee per Vehicle Code (VC) section 40508.6(a) handled with a prior Traffic School completion? If I understand correctly, completion of traffic school on a previous violation of the VC section does not count as a prior conviction for purposes of adding a prior admin fee per VC section 40508.6(a) on a subsequent violation. Correct?
				A	Completion of Traffic Violator School (TVS) on July 1, 2011, or later results in a confidential conviction that may be counted as a prior to add the fee under Vehicle Code (VC) section 40508.6(a). TVS completed prior to July 1, 2011, resulted in a dismissal and may not be counted as a prior conviction to authorize collection of the assessment under VC section 40508.6(a).
C	66	Priors Assess VC 40508.6	May 17, 2013	Q	Can you assess priors fee for Traffic Violator School (TVS)?
				A	No. The priors assessment is payable at the time of a fine or bail forfeiture. If a defendant elects to attend Traffic Violator School, the fine or bail forfeiture is converted to a fee, and therefore the assessment can no longer be collected.
C	67	Priors Assess VC 40508.6	May 17, 2013	Q	Vehicle Code section 40508.6(a) and (b), what are the differences?
				A	Vehicle Code (VC) section 40508.6(a) allows the court to collect an assessment of up to \$10 to recover court costs for recording and maintaining a record of prior convictions. VC section 40508.6(b) allows the court to collect an assessment of up to \$10 to recover court costs for notifying the DMV when the court attaches or restricts a driver's license or vehicle registration under VC section 40509 or VC section 40509.5.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses
C	68	Priors Assess VC 40508.6	June 14, 2013	<p data-bbox="818 243 1536 306">Q Can a court charge the \$10 administrative fee of the statute cited above for:</p> <p data-bbox="818 327 1536 432">1) Priors in their own county without them having to check if there are any in Department of Motor Vehicles (DMV)?</p> <p data-bbox="818 453 1536 600">It would seem that they can because there are priors that exist and it does not matter whether they are on DMV's records or not. Statute does not say DMV, it only refers to prior convictions.</p> <p data-bbox="818 642 1536 705">2) Priors recorded in DMV which were convictions in other states that are reported to California DMV?</p> <p data-bbox="818 726 1536 978">In order to renew a driver's license in California an individual has to certify that "I understand that DMV will add convictions reported by other states' licensing authorities to my driving record, which may result in sanctions against my California driving privilege pursuant to the applicable sections of the California Vehicle Code."</p> <p data-bbox="818 999 1536 1293">Therefore we know there are recordings from other states in DMV but this may be just to get a license and Vehicle Code section 40508.6 states the \$10 is charged for convictions of "this code" which is the California Vehicle Code, not the code of other states. Read literally, you could not charge the \$10 for convictions or priors from other states. Is there another code section that might allow it?</p> <p data-bbox="818 1314 1536 1566">A 1) Under Vehicle Code (VC) section 40508.6(a), court may charge the assessment of up to \$10 for "the cost of recording and maintaining a record of the defendant's prior convictions." The section does not require that a prior conviction be recorded by the DMV to count as a prior conviction when a subsequent conviction occurs.</p> <p data-bbox="818 1587 1536 1755">2) If the driving record at the DMV is limited to prior convictions for traffic violations from another state, VC section 40508.6 does not authorize collection of a fee for maintaining a record of violations of the California Vehicle Code.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	69	Priors Assess VC 40508.6	May 17, 2013	Q	When assessing the administration fee for Vehicle Code section 40508.6, are we allowed to collect \$10 for (a) and \$10 for (b)?
				A	<p>The individual circumstances for a case must permit imposing both assessments.</p> <p>Vehicle Code (VC) section 40508.6(a) allows the court to collect an assessment of up to \$10 to recover court costs for recording and maintaining a record of prior convictions.</p> <p>VC section 40508.6(b) allows the court to collect an assessment of up to \$10 to recover court costs for notifying the DMV when the court attaches or restricts a driver's license or vehicle registration under VC section 40509 or VC section 40509.5.</p> <p>For example, if there is a record that the defendant has a prior conviction and the defendant has a failure to appear that is reported to the DMV under VC section 40509 or VC section 40509.5, then the court may impose both fees.</p>
C	70	Priors Assess VC 40508.6	May 17, 2013	Q	If there are two priors, should we charge \$20 pursuant to Vehicle Code section 40508.6(a)?
				A	No. Vehicle Code section 40508.6(a) authorizes a fee of up to \$10 for clerical and administrative costs for recording and maintaining a record of prior convictions no matter how many prior convictions are on the record.
C	71	Priors Assess VC 40508.6	May 17, 2013	Q	On Traffic Violator School (TVS) cases for Vehicle Code (VC) section 42007 distributions, when there is a prior, it is added to the base fine to get an enhanced base, does the VC section 40508.6 priors fee of \$10 get distributed as is or does it become a part of TVS fee?
				A	The assessment of up to \$10 imposed pursuant to Vehicle Code (VC) section 40508.6(a) for prior convictions is collected to defray court costs for recording and maintaining a record of prior convictions. It is not included as part of the TVS fee that is distributed under VC section 42007.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses
C	72	Priors Assess VC 40508.6	May 17, 2013	Q Vehicle Code section 40508.6(a): 1) Is this still assessed once per case? 2) Does this apply to cases disposed as traffic school? 3) How is it assessed if a case with multiple violations has one violation disposed as bail forfeiture and the other traffic school?
				A 1) The maximum assessment of up to \$10 under Vehicle Code (VC) section 40508.6(a) for recording and maintaining a record of prior convictions may be charged once per case regardless of how many prior convictions there are on the record, how many violations there are on the current citation, or whether there are violations that are eligible and ineligible for Traffic Violator School (TVS) on the current citation. 2) If disposed with traffic school and the total applicable fine is converted to a TVS fee, the \$10 under VC 40508.6(a) does not apply since no “fine” or “bail forfeiture” is paid. 3) The \$10 VC 40508.6(a) assessment may be collected where one VC violation on a case is disposed with bail forfeiture and the other VC violation is disposed with traffic school. The \$10 VC 40508.6(a) assessment is not included as part of the TVS fee that is distributed under VC section 42007.
C	73	Priors Enhancement	May 12, 2015	Q If defendant requests traffic school but has prior offenses, does the “priors” amount go to traffic school or back to citing county?
				A Courts can impose the fine enhancement for prior offenses in determining the bail amount to convert to the fee for traffic violator school. The TVS fee goes to the county pursuant to Vehicle Code section 42007 (a)(1), (b).
C	74	Proof of Financial Responsibility	April 18, 2013	Q Regarding Penal Code section 1463.22(a) (proof of financial responsibility), do you distribute per conviction or only upon payment?
				A Distributed per conviction.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	75	Restitution Fine	May 16, 2013	Q	Why isn't Penal Code section 1202.4(b) State Restitution fine assessed in all cases? When is this not assessed? Why is this not considered part of the base fine?
				A	Restitution fines which are imposed pursuant to Penal Code (PC) section 1202.4(b) are only imposed for misdemeanor and felony convictions. The court has authority under PC section 1202.4(c) to reduce or waive the restitution fine if it finds compelling and extraordinary reason and states those reasons on the record. PC section 1202.4(e) expressly provides that a restitution fine is not subject to penalty assessments.
C	76	Restitution Fine	May 17, 2013	Q	If a defendant is charged with a violation of Vehicle Code (VC) section 40508(b) on an infraction case, since this is the only misdemeanor on the case, is it subject to state restitution under Penal Code (PC) section 1202.4? I am working with a court that is not adding the civil assessment under PC section 1214.1 but instead is adding a failure to pay under VC section 40508(b) and since this is a misdemeanor they are questioning whether it is subject to this additional assessment.
				A	Under Penal Code (PC) section 1202.4, any misdemeanor conviction, including a failure to pay cited as a misdemeanor under Vehicle Code section 40508(b), is subject to a state restitution fine of between \$140 and \$1,000 for violations on or after 1/1/2013, unless the court finds compelling and extraordinary reasons as explained in PC section 1202.4 not to impose the fine and states the reasons on the record. PC section 1202.4(e) expressly specifies that the restitution fine is not subject to penalty assessments.
C	77	Restitution Fine	July 9, 2014	Q	If the judicial assessment is less than the requirements in a criminal case, do you reduce the State Restitution Fine in your proration?
				A	The State Restitution Fine is rarely reduced. Please refer to Penal Code section 1202.4(b).

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	78	TVS	May 16, 2013	Q	The Emergency Medical Air Transportation (EMAT) penalty assessment lists in Government Code section 76000.10 - Why is this part of the Traffic Violator School (TVS) fee?
				A	The \$4 EMAT penalty assessment is a penalty that is part of the total bail amount that is converted to the TVS fee. As part of the TVS fee without any express provision to require that the EMAT penalty retain its normal distribution, it is distributed as provided in Vehicle Code section 42007.
C	79	TVS	May 16, 2013	Q	What happens with Traffic Violator School (TVS) fees when distributed and then the violator does not attend or fails to complete traffic school?
				A	Vehicle Code (VC) section 40512.6(a) expressly provides that if the defendant fails to complete traffic school, the TVS fee is converted to bail, but is still distributed according to VC section 42007.
C	80	TVS	May 16, 2013	Q	If a defendant signs up for traffic school but does not complete traffic school, how should the fees collected under Vehicle Code section 11205.2(c) be distributed? Do they still go to the traffic school agency?
				A	The traffic assistance program fee collected pursuant to Vehicle Code section 11205.2(c) should be applied to the costs of the traffic assistance program regardless of whether or not the defendant completes the Traffic Violator School program.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	81	TVS	May 17, 2013	Q	The question is how should the base bail be distributed for Traffic Violator School (TVS) under Vehicle Code section 42007 for the special distribution under Penal Code section 1463.26 high-occupancy vehicle (HOV) violations?
				A	<p>If TVS is approved for an HOV violation of Vehicle Code (VC) section 21655.8 for driving over a double line, the TVS fee is distributed according to VC section 42007.</p> <p>The fine distribution required by Penal Code (PC) section 1463.26 is only applicable to citations where money is deposited with the county under PC section 1463. In TVS cases, the fee is not distributed under PC section 1463.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses
C	82	TVS	June 14, 2013	Q A defendant gets cited for violations of Vehicle Code (VC) section 22349 and VC section 23222(b). Each of these violations has a point count. The clerk is not authorized to grant traffic school for VC section 23222(b). If the defendant elects to attend traffic school on VC section 22349, should the clerk collect the full fine for both? If so, then one charge would be reported as a confidential conviction and the other would be reported with a point.
				A In circumstances where the speeding charge is less than 26 MPH over the limit, the bail for Vehicle Code (VC) section 23222(b) (possession of marijuana while driving) and Traffic Violator School (TVS) fee for VC section 22349 (exceeding maximum speed) would be due when TVS is approved by a clerk. However, whether the person posts and forfeits full bail or a clerk approves TVS, when multiple violations on a citation can be assessed a point, only one point is recorded for the convictions in the DMV's driving records. Now that completion of TVS results in a confidential conviction instead of a dismissal, the value of TVS with multiple violations where one is eligible and one is not when processed by a clerk without judicial approval is greatly diminished. If a defendant appears in court and receives approval by a judicial officer, completion of TVS would result in a confidential conviction for both violations with payment of the higher bail amount for one of the violations.
C	83	TVS	May 12, 2015	Q If a defendant is on a traffic school payment plan, but he/she fails to complete traffic school, pays only half of the balance due, and stops making payments. What does this mean for distribution?
				A The court may order that fees be converted to bail and declare the bail forfeited. The distribution rules of Vehicle Code section 42007 would apply.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
C	84	Violation Date vs. Conviction Date	April 19, 2013	Q	Is everything based on violation date vs. conviction date?
				A	No. Each statute will specify whether the determination will be based on conviction or violation date. Review of intent and bill language will also provide appropriate guidance.
C.	85	Violation Date vs. Conviction Date	July 9, 2014	Q	Please address Penal Code section 1464.8 regarding basing allocation and distribution of criminal fines on the law in effect when payment is made.
				A	<p>The question has been paraphrased to clarify our response below: If the law in effect is different in the time period when the court imposes the fine, which law is the distribution based on?</p> <p>Either way is acceptable. Courts may choose to make the distribution based upon the law in effect during the accounting period when the payment is made <u>or</u> upon the law during the period when the fines are imposed and allocated pursuant to Penal Code section 1463.001. However, courts should be consistent on which method they decide to elect.</p>
C	86	Violation Date vs. Conviction Date	May 12, 2015	Q	Are criminal fines assessed upon conviction or on date of violation?
				A	Fines are assessed upon conviction, based on approved amount on date of violation.

Category D: Parking

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	1	Bond Indebtedness	April 1, 2013	Q	1) Bond Indebtedness – Is bond indebtedness information available? 2) Could an updated list of which counties have completed their bond indebtedness be provided?
				A	1) Yes. 2) Yes, but it would be based on information as provided by the counties and unverified. Please send questions related to bond indebtedness to collections@jud.ca.gov .
D	2	GC 76000.3 Parking Penalty	April 1, 2013	Q	Does Government Code section 76000.3 apply to parking infractions (criminal) or all parking violations (civil)?
				A	It applies to all parking offenses including infractions. According to Government Code section 76000.3: Notwithstanding any other law, for <u>each parking offense</u> 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. [emphasis added]
D	3	GC 76000.3 Parking Penalty	July 9, 2014	Q	Please describe the full mandatory parking fee. Last year's sample indicated \$9.50 and today's sample showed \$12.50. Was there a change from prior year?
				A	Yes. The 2013 sample used a violation committed prior to January 1, 2011. On January 1, 2011, a \$3 penalty to every penalty, fine, or forfeiture for a parking violation was added by Government Code section 76000.3.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	4	Late Charge	June 11, 2013	Q	Do late fees apply on parking tickets?
				A	See Vehicle Code (VC) section 40203.5(a), which authorizes the governing body of the jurisdiction where the notice of violation is issued to establish late payment penalties for parking violations. See also, VC section 40207(a), which provides that additional fees, assessments, or other charges shall not be added to the amount of the original parking penalty, if the original penalty is paid to the processing agency with within 21 calendar days from the date of the issuance of the parking citation or 14 calendar days after mailing of a notice of delinquent parking violation.
D	5	Parking Assessments	May 12, 2015	Q	Is the \$7.50 assessed on parking violations imposed on every citation written or by violation?
				A	The \$7.50 (\$4.50 assessment pursuant to Vehicle Code section 70372(b) and \$3.00 penalty pursuant to Government Code section 76000.3) is assessed on each parking violation conviction.
D	6	Parking Remittances	June 13, 2013	Q	If the cities are not remitting parking fines timely, what recourse does the county have?
				A	Contact city attorney or county counsel for advice on this question.
D	7	Parking Remittances	April 1, 2013	Q	The processing agency sends check to the county. Who is ultimately responsible for sending money to the county? The city or processing agency?
				A	Contact city attorney or county counsel for advice on this question.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	8	Parking Remittances	May 12, 2015	Q	A local university did not properly impose Government Code (GC) section 70372 (b) and GC section 76000.3, resulting in underpayment of parking fees by \$4.50 per citation owed to State. Who is responsible for the underpayment of parking penalties?
				A	Government Code section 70377 states who is responsible to pay penalties in the case of under remittances or late remittances to the State.
D	9	Proof of Correction	June 13, 2013	Q	Why is the “proof of correction” fee \$10 and not \$25?
				A	Under Vehicle Code section 40225(c), the civil penalty for each equipment violation on a notice of parking violation is reduced to \$10 with proof of correction. Legislation would be necessary to increase the proof of correction fee for civil parking citations.
D	10	VC 40225	June 13, 2013	Q	Vehicle Code (VC) section 40225. Some parking agencies pay both 50% and parking surcharges per Government Code section 76000. While it seems clear that section 76000 refers to “for every parking offense where a parking penalty or forfeiture is imposed and added penalty...” vs. an equipment or registration offense which are not parking offenses. Could you confirm that only 50% of an equipment or registration violation is all that is paid to the County for remittance to the State Treasurer per VC section 40225(d)?
				A	Contact city attorney or county counsel for advice on this question.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
D	11	VC 40225	June 13, 2013	Q	<p>Part 1: Could someone address the amount of the fine that should be charged for a violation of Vehicle Code (VC) 5204 when issued on a parking citation pursuant to VC section 40225?</p> <p>VC section 40225 states the civil penalty for each equipment and registration violation is the amount established for the violation the Uniform Bail & Penalty Schedule (UB&PS) as adopted by the Judicial Council.</p> <p>Part 2: Should the amount of this civil penalty when issued on a parking citation be the base fine (\$25.00) or the total fine?</p> <p>Part 3: Could someone also please clarify if the total fine for a VC section 5204 violation would match the total amount identified in the UB&PS?</p>
				A	Contact city attorney or county counsel for advice on these questions.
D	12	VC 40226	January 6, 2017	Q	Could you confirm that no surcharges are applicable if the administrative fee is collected instead of the penalty pursuant to Vehicle Code section 40226?
				A	An administrative fee charged to cancel a citation for failure to display a disabled placard is not subject to penalties or surcharges.

Category E: Collections

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	1	Escheated Funds	May 12, 2015	Q	If payment is made by money order or credit card and neither case nor demographic information is provided, how should monies be recorded?
				A	Recommend depositing the money in a trust. If not claimed, follow the escheatment process. For infraction and misdemeanor cases, the amount is escheated after 1 year, otherwise 3 years.
E	2	Overpayment	May 12, 2015	Q	Who is entitled to overpayments?
				A	Pursuant to both Government Code sections 29372 – 29381 and the Trial Court Financial Policies and Procedures Manual , Policy FIN 10.02, paragraph 6.3.11, at: http://www.courts.ca.gov/7460.htm , if overage is less than \$10, the money goes to county or court, whomever collected the overpayment. If more than \$10, the money should be held on behalf of the payer and an effort should be made to locate the payer and refund the overpayment.
E	3	TC-31	April 1, 2013	Q	Does each page on a TC-31 need to be positive?
				A	The Total amount on each page needs to be a positive number.
E	4	TC-31	April 1, 2013	Q	Do we have instructions for the TC-31?
				A	Yes, TC-31 instructions can be found on the SCO website: http://www.sco.ca.gov/ard_state_accounting.html . The 4 th worksheet of the Excel spreadsheet contains the instructions.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	5	TC-31	April 1, 2013	Q	If submitting multiple pages of TC-31 (for same month), can a negative on one page be offset w/ a positive on another page?
				A	<p>Negative entries on one page cannot be offset with a positive on another page when submitting multiple pages of the TC-31 (for the same month). Each page is a separate unique document with a separate unique Remittance Advice number, so each page total needs to be a positive number.</p> <p>No entries can be offset with other entries. If an adjustment is to be made, it needs to be on a separate line from the current month's remittance (with a memo included detailing the overstated amount from the prior remittance).</p>
E	6	TC-31	February 16, 2017	Q	What are the materials needed for filing errors on TC-31 and correction process?
				A	<p>If you find an error after submitting a TC-31, please submit a memo to the State Controller's Office. The memo should include the following information:</p> <ol style="list-style-type: none"> 1. Original remittance advice number 2. Original collection month 3. The date the original remittance advice was sent 4. The dollar amount that was originally submitted 5. Reason for the change <p>Mail to: ATTN: Rochelle Ipps Tax Accounting State Controller's Office 3301 C Street Sacramento, CA 95816</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	7	TC-31	July 24, 2013	Q	What avenue does the county have to recoup the cost of retaining, processing and submitting the TC-31 to the state?
				A	Currently, statute does not allow counties to receive reimbursement from the State. Pursuant to Government Code section 68101, counties are statutorily charged with remitting monthly to the Treasurer, court revenues due to the State.
E	8	TC-31	April 1, 2013	Q	How far back can a county go to make corrections on the TC-31?
				A	Corrections can be made to any time period.
E	9	TC-31	April 1, 2013	Q	TC-31 submittal – separate for court and county or combined?
				A	<p>TC-31's may be submitted separate or combined depending on the agreement the County Auditor has with its county's courts and other county departments.</p> <p>If the TC-31 is submitted separately, the court, county department head, or county auditor will submit the TC-31 to the State Treasury with their signature certifying the information is correct.</p> <p>If the County Auditor includes courts' or other county departments' collections on the county's TC-31, the County Auditor's signature certifies only the County Auditor's portion of the TC-31. It is assumed that the courts or other departments have provided certification to the County Auditor for their remittance information.</p>
E	10	TC-31	April 1, 2013	Q	TC-31 errors – what should be included in the memo? How to stop possible penalties?
				A	The memo should include the items listed in the answer to E 6. To avoid penalties from being assessed, moneys need to be remitted within the time frame set by statute.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses
E	11	TC-31	February 16, 2017	<p data-bbox="816 241 1539 380">Q If a court has an incorrect distribution and discovers it (either through an audit or on their own), what is the recommended approach to correct the prior distributions.</p> <p data-bbox="816 401 1539 579">For example, using a recent audit finding in San Benito, they distributed the \$4 to the Emergency Medical Air Transportation (EMAT) fund on traffic school cases instead of distributing it to the traffic school fee.</p> <p data-bbox="816 600 1539 852">If the amount distributed incorrectly is \$1,000, since these monies went to the EMAT fund in error, is it an acceptable method to not distribute \$1,000 of future monies to this fund and instead re-allocate it to the Traffic School Fee until the \$1,000 is “paid back” in full? If not, how is it recommended that these errors be corrected for the past distributions?</p> <p data-bbox="816 873 1539 1157">A On the next TC-31 submitted the amount should be reported as a negative \$1,000 from the EMAT fund and a positive \$1,000 to the traffic school fee. If the remittance is from an internal audit, then a memo should be included with the original remittance advice number, the original month of collection, the date it was sent, the original amount remitted and the reason for the change.</p> <p data-bbox="816 1178 1539 1608">If it is for an audit finding, it must be remitted separately and the audit period should be noted at the top. If a negative remittance advice will occur, it can be sent in with the monthly remittance with the Audit information on separate lines than the monthly remittance. Meaning that if \$100 is being remitted for audit and \$25 is being remitted for the month in account 0932-0250-FY-164743, there should be two lines with that revenue code, not net to one line. Also, make note in the description that it is for audit if it is coming in with monthly remittance.</p> <p data-bbox="816 1629 1539 1743">For any questions regarding audit remittances, please contact Richard Nelson at RNelson@sco.ca.gov.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	12	TC-31	July 9, 2014	Q	<p>A. What if there is a legitimate adjustment on a revenue line item that results in a negative amount for a particular month, should that be reported as a negative amount in the TC-31?</p> <p>B. If the prior year adjustment is negative, can I put it on the TC-31, even if it's 3 or 4 years old?</p>
				A	<p>A.) No. When reporting a prior year negative adjustment (or any negative adjustment), report it on a separate line on the TC-31. It can be broken down over multiple pages or offset over multiple months. Be sure the bottom line total on the TC-31 is a positive number.</p> <p>B.) Yes. If the adjustment is for a prior period, include a memo with the TC-31 detailing the full account number, the original Remittance Advice Number to be adjusted, the collection month/year, the date remitted, the amount to be adjusted, and a brief description for the adjustment. Be sure the bottom line total on the TC-31 is a positive number.</p> <p>Current fiscal year adjustments for the period of July 2014 - June 2015, are coded as 2014 on the TC-31. <u>All</u> prior year adjustment collections for the period (July 2013 - June 2014) are coded as 2013.</p> <p>Please refer to State Controller's Office (SCO) July 2014 Training PowerPoint p. 64-68 for more information on TC-31s.</p>
E	13	TC-31	July 26, 2017	Q	<p>Upon an internal audit for parking penalty-related fees, county determined that they've been underpaid. County plans to submit the underpayment to the SCO along with Internal Audit report. Advise who we should address our memo and our report to. Should we remit the money through TC-31?</p>
				A	<p>If you plan to submit an underpayment that had just been discovered in an internal audit, you may send it in a TC-31 to the State Treasurer's Office.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
E	14	TC-31	December 9, 2015	Q	Is the year on the TC-31 is the calendar year or the fiscal year?
				A	Remittances on the TC-31 are reported by Fiscal Year. For specific questions related to the completion of TC-31 forms, please contact Richard Nelson at RNelson@sco.ca.gov .
E	15	TC-31	December 9, 2015	Q	Does the SCO use a process for communicating updates to the TC-31?
				A	This process is currently being reviewed.
E	16	TC-31	December 9, 2015	Q	The special line item on the TC-31 for “State Penalty Fund Vehicle Code 42008.8—Amnesty” – is this specifically referring to the normal State Penalty of \$10 for every \$10 under Penal Code (PC) 1464? I have read the Amnesty Guidelines and the FAQs but neither address the specifics of what this means. If it is State PA per PC 1464, is it the State’s 70% portion, or 100%? Before or after 2%?
				A	This refers to the State Penalty assessments imposed pursuant to Penal Code section 1464; Vehicle Code section 42006; and Government Code sections 70372, 76000, 76000.5, 76104.6, 76104.7; and 76000.10, paragraph (1) of subdivision (c). This is the state’s 70 percent, as the remittance captures the funds being remitted to the state. The amount listed would include the 2 percent automation. Please see updated Amnesty FAQs.

Category F: Distribution Calculations

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	1	2% Automation	June 14, 2013	Q	Should 2% automation apply to the late charge? What is the distribution set-up?
				A	Yes, the 2% distribution imposed pursuant to Government Code section 68090.8 applies to the proportional fine and penalties, but is not deducted from the state surcharge portion of the late charge. The late charge under Vehicle Code section 40310 is distributed proportionally to each component of the underlying fine and penalties.
F	2	Late Charge	April 1, 2013	Q	Are there and should there be separate notices for Late Charges and Civil Assessments?
				A	Penal Code (PC) section 1214.1 and Vehicle Code (VC) section 40310 provide some flexibility for processing a combination of the late charge and civil assessment for failure to pay a fine ordered by the court. Under PC section 1214.1, the civil assessment may be imposed for a failure to pay a fine if the defendant does not provide good cause for the failure to pay within 20 calendar days of a notice of the civil assessment. Under VC section 40310 the late charge may be imposed if the fine is not paid within 20 days of mailing of a notice that the penalty for the traffic violation has been assessed. After a failure to pay a fine, a court can mail a single notice for both the civil assessment and late charge or separate notices. A single notice could provide warning of both a civil assessment and late charge if the fine is not paid within 20 days of the notice.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	3	Late Charge	May 16, 2013	Q	If there is a partial payment, how do you calculate the late charge?
				A	<p>The late charge imposed pursuant to Vehicle Code (VC) section 40310 is not applicable to partial payments. Under VC section 40310, when “a traffic penalty is not paid within 20 days following mailing of a notice that the penalty has been assessed, a late charge shall be due in the amount of 50 percent of total initial penalty.” Payment of less than the full amount results in either a civil assessment under Penal Code section 1214.1 or an arrest warrant.</p> <p>When attendance of Traffic Violator School (TVS) is approved with a payment plan, a defendant pays a TVS fee under VC section 42007 and there is no notice mailed that an initial penalty has been assessed.</p> <p>In addition, if a court approves a TVS payment plan in accordance with VC section 42007(a)(2), the express penalties under VC section 42007(a)(3) for nonpayment are a civil assessment or an arrest warrant. This is supported by the Judicial Council form TR-310, <i>Agreement to Pay Traffic Violator School Fees in Installments</i>, which does not list a late penalty as a consequence in the warning for failure to pay as agreed.</p> <p>When a partial payment is made under VC section 40510.5, the penalties for failure to pay the full amount are specified in VC section 40510.5(e) as either a civil assessment or an arrest warrant. This is supported by Judicial Council form TR-300, <i>Agreement to Pay and Forfeit Bail Installments</i>, which does not list a late penalty as a consequence in the warning for failure to pay as agreed.</p>

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	4	Penalty Assessments	April 1, 2013	Q	For 2 counts with odd base fine (count 1 has \$35 and count 2 has \$35), to calculate portions of 10, do we round-up each base or add both bases?
				A	If they are two counts on the same case, each \$35 is added to get \$70 and therefore seven 10's. If they are separate violations on separate cases heard at the same time, they are rounded separately for each case (\$40 for each violation and case) for \$80 or eight 10's.
F	5	Penalty Assessments	June 14, 2013	Q	When calculating the penalty assessments on a citation with multiple offenses, the Uniform Bail & Penalty Schedule (item D on page iv) indicates that the "additional penalties" are to be calculated on the total base fine for all offenses. Does this mean you must add the base fine amounts of all offense codes together first and then calculate the penalty assessments?
				A	Under Penal Code section 1464(b), for a case with multiple offenses, the penalties are calculated on the total fine for all offenses. If there are multiple cases, the penalties are calculated on the total fine for each case.
F	6	Penalty Assessments	May 12, 2015	Q	On the Penalty Assessment, if an increase is not updated timely on the case management system (CMS) to reflect the effective date, will the program be penalized?
				A	The CMS should be updated with correct assessment amounts as soon as possible after statutory changes go into effect. Any penalties imposed on an individual program would be dependent on each situation.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	7	Proof of Insurance	April 1, 2013	Q	What is the base fine for Proof of Insurance, \$200 or \$100? What if base fine is less than \$100?
				A	Under Vehicle Code (VC) section 16029(a), a conviction for violation of VC section 16028(a) requires a fine of not less than \$100 or more than \$200. A judicial officer may reduce the fine to the minimum for proof of insurance that is acquired after the citation was issued. If the defendant provides proof of insurance acquired after the citation, the judicial officer may reduce the fine to a minimum mandatory fine of \$100. A base fine of less than \$100 would require that the court exercise its discretion as authorized in VC section 16029(e)(2) and reduce the fine below the \$100 minimum based on the defendant's ability to pay. For violations of VC section 16028(c), the maximum fine is \$100 per VC 42001, and the court has discretion to reduce the fine.
F	8	Top Down Distribution	May 12, 2015	Q	If judge orders a fine, then orders a portion suspended, is the amount prorated across all ledgers?
				A	Yes. Programs may use a Top-Down distribution method; see Penal Code section 1463.004.
F	9	Top Down Distribution	May 12, 2015	Q	What happens to the fine amount when a judge orders less than the amount on Uniform Bail and Penalty Schedule?
				A	The fine should be distributed using one of the two top down methods. Either one is allowed, as long as consistently used.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
F	10	TVS	June 14, 2013	Q	For Traffic School dispositions, the EMAT penalty should roll over into the Traffic School fee, and not go directly to Emergency Medical Air Transportation (EMAT) – correct?
				A	The \$4 EMAT fund charge is a penalty assessment that is part of the total bail amount is converted to the Traffic Violator School (TVS) fee. As part of the TVS fee without any express provision to require that it retain its normal distribution it is distributed according to Vehicle Code section 42007.

Category G: Distribution Spreadsheets

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses
G	1	Spreadsheets	April 18, 2013	Q Do you have distribution templates for other kinds of convictions like Health & Safety Code violations, petty theft, etc.?
				A Yes, but limited to a few additional code sections. See samples of available Revenue Distribution Worksheets at: http://www.courts.ca.gov/revenue-distribution.htm .
G	2	Spreadsheets	July 9, 2014	Q Do you have a worksheet example of a summary judgment distribution for either a Penal Code or Health and Safety Code violation? I realize the county and city splits vary according to Penal Code section 1463.002.
				A A worksheet example of a summary judgment does not currently exist. Refer to FAQ # C - 8 and 9 for guidance on summary judgments.

Category H: Audits

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
H	1	Document Retention	April 15, 2013	Q	Retention period of records - is this inclusive of case records from all count levels (infraction, misdemeanor, and felony)? Or does the retention period of case records per Government Code sections 68150-68153 still govern the terms of case records?
				A	Case file records still must be retained in accordance with statute, rule, and policy. Any financial records, on the other hand, that pertain to distributions must be retained for at least 5 years in accordance with the courts' financial and procedures manual, but also must be retained from the date of the last SCO court revenue audit (using the close of the audit period of the report). Retention should be for whichever period is longer.
H	2	Document Retention	July 9, 2014	Q	If we store our records electronically, do we need to keep the paper copies?
				A	SCO recommends paper records be retained from the date of the last SCO audit, even if the records are stored electronically. The Judicial Council accepts electronic records.

Cat.	Q No.	Keywords	Response as of Date	Questions and Responses	
H	3	Document Retention	July 9, 2014	Q	For infractions paid in full, can we purge them out of our system after they are 3 years old?
				A	<p>No. Judicial Council's <i>Trial Court Financial Policies and Procedures</i> (FIN 12.01), which is located at: http://www.courts.ca.gov/7460.htm, provides guidance on the destruction of court financial records. Generally, courts must retain financial records from the current year plus four additional years.</p> <p>However, the minimum retention period that records should be kept is the current year plus four additional years, or from the close date of the last SCO audit, whichever is longer.</p> <p>In addition, case file records have more stringent record retention requirements that are prescribed by statute or rules of court.</p>
H	4	Workbook	July 9, 2014	Q	Any plan to update the auditor workbook to include all distributions? Right now, only 19 are outlined.
				A	Not at this time.