

**Statewide Distribution Training
December 2015**

Questions and Answers:

1. Q: 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 email FiscalControl@sco.ca.gov.

2. 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: Unfortunately, there is no separate list of revenues which specifies those treated as fees vs. those treated as fines.

However, the Trial Court Revenue Distribution Guidelines, 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 Guidelines for additional information.

3. Q: Does the SCO use a process for communicating updates to the TC-31?

A: When the TC-31 is updated, the Fiscal Control section of the State Controller's Office sends out an email to all County Auditor-Controllers to notify them of the changes.

If courts or other parties would like to be added to this email notification list, please contact FiscalControl@sco.ca.gov.

4. 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 Trial Court Revenue Distribution Guidelines does indicate the sunset date for individual code sections, where appropriate.

Please refer to the Trial Court Revenue Distribution Guidelines on the State Controller's Office website for information regarding specific entries.

5. 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 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,

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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.

6. 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.

1500	Traffic Violator School fees – Report 77 percent of total collections distributed to the county general fund. (Per Appendix C - Revision 22 (July 2010) published by the State Controller's Office.) DO NOT reduce the calculation basis by distributions to the Maddy Emergency Medical Services Fund, Courthouse Construction Fund, Criminal Justice Facilities Construction Fund, or to the cities (VC 42007)
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A: As previously stated in our FAQs, pursuant to Government Code (GC) 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.

Prior to 1998, Vehicle Code (VC) 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.

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7. 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.