INTRODUCTION
Faculty and Contacts

State Controllers Office

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Michael Gungon     MGungon@sco.ca.gov
Faculty and Contacts

Judicial Council

Robert Cabral  Robert.Cabral@jud.ca.gov
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Bob Fleshman  Bob.Fleshman@jud.ca.gov
John Judnick  John.Judnick@jud.ca.gov
Maria Lira  Maria.Lira@jud.ca.gov
Theida Salazar  Theida.Salazar@jud.ca.gov
Courtney Tucker  Courtney.Tucker@jud.ca.gov
Housekeeping Information

- **Breaks:** As needed.
- **Lunch:** 60 minutes, lunch provided.
- **Restrooms:** Out the door to the left.
- **Questions:**
  - Ask at any time - use the microphone.
  - Use index cards to submit written questions; include your name in case we need more information.
- **Evaluations:** Follow up with online survey tool.
Training Agenda

Opening and Introduction
- Faculty and contacts
- Housekeeping
- Training expectations and goals
- Court-Ordered Debt Task Force

Revenue Distribution Resources and Updates
- Judicial Council - Uniform Bail and Penalty Schedule
- State Controller’s Office - Appendix C
- FAQ’s
- Crosswalk (Appendix C to other resources)
- Common Audit Findings

Panel Discussion
- JCC, Court, County subject matter experts
Training Agenda

Discussion on Emerging Case Management System Implementation Issues Related to Revenue Distribution

Lunch

Breakout Sessions

- Session A: Basic Distribution Templates
- Session: Intermediate/Advanced Distribution Templates
- Run concurrently, multiple faculty to assist.

Wrap up and Adjourn
Instruction Goals

- Provide updates to various distribution-related resources
- Identify sources of resource materials for distribution calculations, analysis, and research
- Review and discussion of frequently asked distribution questions
- Distribution Worksheets:
  - Learn how to create worksheets for distributions
  - Review basic and complex distributions utilizing worksheets
ASSESSMENT, COLLECTION, AND DISTRIBUTION

COMPLEXITY OF THE PROCESS

* Entities under contract to perform collections.
Revenue Generated by the Criminal Justice System

1. Restitution Orders
2. Restitution Fines and Restitution Diversion Fees
3. Court Facility Fees
4. Fines
5. Special Local Assessment
6. DNA Penalty
7. Local Penalty Assessment
8. State Penalty Assessment
9. Emergency Medical Services
10. Emergency Air Transportation
11. Court Construction Penalty
12. Conviction Assessment
13. State General Fund Surcharge
14. Court Operations Assessment

15. SCFF/ICNA
16. Local Jurisdiction Where Violation Occurred
17. DNA Identification Fund
18. County General Fund
19. State Penalty Fund
20. Med EMS Fund
21. Emergency Air Transportation Fund
22. Trial Court Improvement Fund
23. Trial Court Trust Fund
24. Victim
25. Restitution Fund
26. Fish & Game Preservation Fund
27. Traumatic Brain Injury Fund
28. Local Public Prosecutors & Public Defenders Fund
29. Driver Training Penalty Assessment Fund
30. Corrections Training Fund
31. Motorcycle Safety Fund
32. Proof of Correction Fix & Ticket*
33. ICNA
34. Traffic Violator School**
35. Victims Witness Assistance Fund
36. Peace Officers Training Fund
37. State General Fund

* First $10 split between jurisdiction where violation occurred, County General Fund, and State Penalty Fund. Remaining $10 goes to ICNA.

** 51 percent goes to ICNA, 49 percent to County General Fund.

Source: California Department of Finance
Court-Ordered Debt
Task Force
Court-Ordered Debt Task Force (CODTF)

- Established by Penal Code 1463.02(b)
- Representatives from
  - State entities, agencies, and departments
  - Counties, cities, and other external organizations
CODTF PRIMARY GOALS (PC 1463.02(b))

Evaluate and make recommendations to the Judicial Council and the Legislature for consolidating and simplifying the imposition of criminal and traffic-related court-ordered debts and the distribution of the revenue derived from those debts with the goal of improving the process for those entities that benefit from the revenues, and recommendations, if any, for adjustment to the court-ordered debts.

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

Activities of CODTF subgroups:

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

- Statutes
- SCO Trial Court Revenue Distribution Guidelines: Appendix C
- Judicial Council’s Uniform Bail and Penalty Schedule
- FAQs
- Crosswalk
- Revenue Distribution Audit Worksheets
Distribution Resource Sites

California Statutes:  https://leginfo.legislature.ca.gov/faces/codes.xhtml

Distribution Resources/ Guides:

JC Revenue Distribution Website  www.courts.ca.gov/revenue-distribution.htm
Frequently Asked Questions  www.courts.ca.gov/revenue-distribution.htm

Local Court Websites:  www.courts.ca.gov/find-my-court.htm

County Websites:  www.csac.counties.org/county-websites-profile-information

Audit Reports:

State Controller’s  www.sco.ca.gov/aud_court_revenues.html
Judicial Council  www.courts.ca.gov/12050.htm
UNIFORM BAIL AND PENALTY SCHEDULES
Judicial Council
Uniform Bail and Penalty Schedules
(Rule 4.102)

• PC 1269b(c): requires that courts prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.

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

• The judges in each county adopt a countywide bail schedule that sets bail based on the requirements that apply to that jurisdiction, including adjustment of the county penalty and EMS penalty for the traffic infraction schedule.

• In 30 counties, a traffic infraction bail schedule may exceed the bail amounts that are set in the council's schedule if the board of supervisors adopts a resolution to increased the bail under Penal Code section 1463.28.
The Uniform Bail and Penalty schedules are revised to conform to recent legislation. The Judicial Council adopted the 2015 Uniform Bail and Penalty Schedule at the December 2014 council meeting.

Purpose of schedules:

1. To provide the standard bail amount, which for Vehicle Code offenses is the amount that may be used for a bail forfeiture instead of further proceedings.

2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense.
Uniform Bail and Penalty Schedules

MARCH 2015 EDITION

(Cal. Rules of Court, rule 4.102)

TRAFFIC
BOATING
FORESTRY
FISH AND GAME
PUBLIC UTILITIES
PARKS AND RECREATION
BUSINESS LICENSING
12002.1(b) or 12002.2(b) or to any regulation relating to the wearing or display of a fishing license.

F. “Total Bail” shall not exceed statutory limits. Vehicle Code section 40310 specifies that the “fine” amount of the total bail shall not exceed the limitations specified by Vehicle Code sections 42001 and 42001.5.

G. In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant’s obligations. Upon conviction, however, “additional penalties” are added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and “additional penalties”) based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code when a statutory driver’s license restriction, suspension, or revocation is authorized; community service or proof of payment or correction is mandatory; or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

H. The “Total Bail” for an offense not specifically listed in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense unless a California code or regulation specifies otherwise. The court operations assessment and criminal conviction assessment are collected in addition to the “Total Bail.” The suggested minimum “Total Bail” for an offense not specifically listed in the Uniform Traffic Misdemeanor Bail and Penalty Schedule and the Uniform Boating, Parks and Recreation, or Business Licensing Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is

<table>
<thead>
<tr>
<th>Type</th>
<th>Base + Additional Penalties &amp; Surcharge</th>
<th>+</th>
<th>Fees</th>
<th>= Total Bail/Fees (*See sections II–IV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor</td>
<td>$ 75 + $251</td>
<td>+</td>
<td>$70</td>
<td>= $396</td>
</tr>
<tr>
<td>Infraction</td>
<td>$ 35 + $127</td>
<td>+</td>
<td>$75</td>
<td>= $237</td>
</tr>
</tbody>
</table>

The suggested minimum “Total Bail” for an offense not specifically listed in the Uniform Public Utilities Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is

<table>
<thead>
<tr>
<th>Type</th>
<th>Base + Additional Penalties &amp; Surcharge</th>
<th>+</th>
<th>Fees</th>
<th>= Total Bail/Fees (*See sections II–IV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor</td>
<td>$185 + $888</td>
<td>+</td>
<td>$70</td>
<td>= $939</td>
</tr>
</tbody>
</table>

The suggested minimum “Total Bail” for an offense not specifically listed in the Uniform Boating, Business Licensing, Fish and Game, Forestry, or Parks and Recreation Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is

<table>
<thead>
<tr>
<th>Type</th>
<th>Base + Additional Penalties &amp; Surcharge</th>
<th>+</th>
<th>Fees</th>
<th>= Total Bail/Fees (*See sections II–IV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor</td>
<td>$100 + $310</td>
<td>+</td>
<td>$70</td>
<td>= $480</td>
</tr>
<tr>
<td>Infraction</td>
<td>$ 35 + $123</td>
<td>+</td>
<td>$75</td>
<td>= $233</td>
</tr>
<tr>
<td>Section</td>
<td>Notes</td>
<td>Offense</td>
<td>Base Fine /Fee</td>
<td>State PA*</td>
</tr>
<tr>
<td>-----------</td>
<td>-------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------</td>
<td>-----------</td>
</tr>
<tr>
<td>27363 (f)</td>
<td></td>
<td>Transportation of Child in Rear-Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>27363 (f)</td>
<td></td>
<td>Transportation of Child in Rear-Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>27363.5 (a,b)</td>
<td></td>
<td>Failure of Hospital, Clinic, or Birthing Center to Provide Information About Child Passenger Restraint Requirements and Contact Information</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>27365 (a)(1)</td>
<td></td>
<td>Rental Agencies Required to Inform Customers About Child Restraint Requirements, Provide for Rental of Child Passenger Restraint System</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>27368</td>
<td></td>
<td>Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>27368</td>
<td></td>
<td>Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>27375 (a)</td>
<td></td>
<td>Violation of Door or Window Requirement for Modified Limousine</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>27375 (a)</td>
<td></td>
<td>Violation of Door or Window Requirement for Modified Limousine</td>
<td>70</td>
<td>0</td>
</tr>
<tr>
<td>27375 (b)</td>
<td></td>
<td>Failure of Limousine Driver to Unlock Rear Doors for Passengers to Open for Fire or Emergency</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>27375 (c)(1)</td>
<td></td>
<td>Failure of Limousine Driver Owner or Operator to Instruct Passengers on Vehicle Features and Communication With the Driver</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>27375 (c)(2)</td>
<td></td>
<td>Failure of Limousine Driver Owner or Operator to Disclose Whether the Limousine Meets Current Safety Requirements</td>
<td>70</td>
<td>70</td>
</tr>
</tbody>
</table>
Revisions to conform the 2015 schedules to recent changes in the law include the following:

• Revision of section I.C on page iii of the preface to add subdivision (b) to Penal Code section 19.8.

• Revision of section IV.C.3 on page vi of the preface to delete the discussion of Streets and Highways Code section 97.5, which sunset in 2014.

• Revision of section IV.H on page vii of the preface to clarify that the emergency medical air transportation (EMAT) penalty assessment applies only to violations of the Vehicle Code and ordinances adopted under the Vehicle Code.

• Revision of section VIII.D on page x of the preface to correct the sample calculation of bail for multiple violations without traffic violator school.
Addition or modification of infraction offenses for violation of Vehicle Code sections:

- 14606(c), failure of employer to retain medical certificate of driver of commercial vehicle when no medical certification status is included in the commercial license information system, which was repealed and amended effective January 30, 2014;

- 23302(a)(2), unauthorized placement of toll transponder;

- 23302(a)(3), unauthorized placement of toll transponder for motorcycle;

- 27375(a), violation of window or door requirement for modified limousine;

- 27375(c)(1), failure of limousine owner or operator to instruct passengers on vehicle features and communication with the driver;

- 27375(c)(2), failure of limousine owner or operator to disclose whether the limousine meets current safety requirements;

- 27375(c)(3), failure of limousine owner or operator to disclose whether the limousine is exempt from safety requirements for emergency escape;

- 28062(a), modified limousine not equipped with fire extinguishers as required;

- 38601, operating or riding in recreational off-highway vehicle on public land by person while not wearing safety helmet as required.
Modification of misdemeanor offense for violation of Vehicle Code section:

• 10501(a), false report of vehicle theft with intent to deceive, which has an endnote Pen. Code § 1170(h);

• 10851(a), driving or taking vehicle without consent of owner with intent to deprive owner of title or possession of vehicle, which has an endnote on Pen. Code § 1170(h);

• 21464(d), willful interference with traffic device or willful use, possession, or distribution, of traffic interference device that results in injury or death, which has an endnote on Pen. Code § 1170(h);

• 21651(c), willfully driving wrong way on divided highway and causing injury or death, which has an endnote on Pen. Code § 1170(h);

• 23104(b), reckless driving—great bodily injury, which has an endnote on Pen. Code § 1170(h);

• 23105(a), reckless driving—specific injury, which has an endnote on Pen. Code § 1170(h);

• 23109.1, engaging in speed contest—specific injury, which has an endnote on Pen. Code § 1170(h);

• 2468(a), failure of licensed renderer to keep written records of inedible kitchen grease; and

• 2468(b), refusal of licensed renderer or registered transporter to exhibit required record or destruction of required record.
Modification of Harbors and Navigation Code sections:
• 307(a), mooring to or hanging on with a vessel to buoy or beacon;

• 307(b), removing, damaging, or destroying buoy or beacon;

• 652.5(c), blue light—unauthorized use;

• 652.5(d), failure to yield to blue light or siren;

• 652.5(e), failure of cable ferry operator to provide clear course for law enforcement;

• 655(a), reckless or negligent operation by riding on bow or transom of vessel propelled by machinery;

• 655.2(a), power boats—speed restrictions;

• 658(a), operation of vessels towing persons on water skis or aquaplanes—requirement for person 12 years of age or older to be aboard in addition to driver;

• 658(b), prohibited hours;


Modification of Fish and Game Code sections:
• 4004(a, b, d–g), trapping violations;

• 4004(c), setting or maintaining trap without required identifying mark.
Additional Resources

Judicial Council reports:
http://www.courts.ca.gov/jcmeetings.htm

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

Contacts

Any questions about bail schedules may be directed to:

• Courtney Tucker
  • Phone: (415) 865-7611
  • Email: courtney.tucker@jud.ca.gov
Questions?
Overview of SCO Guidance

- What is Appendix C?
- New Features - Priority of Installments Payments
- Improving Guidance through Feedback
- Codes Added or Amended by legislation
- Update Notifications
SCO Trial Courts Website

Controller Betty T. Yee
California State Controller’s Office

Trial Court Revenue Distribution Guidelines

Revenue Distribution Training Program

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

Frequently Asked Questions
In compliance with California Code, **Appendix C** provides guidance on the distribution of fees, fines, forfeitures, penalties, and assessments resulting from criminal and civil violations.
New Features– Priority of Installment Payments

Specify priority of distributions on payments are made on an installment basis.

New Features:
• Dedicated page
• Priority column

You can quickly find the priority of distribution based on the code violation.
Improving Guidance through Feedback

Completed
✓ Priority of Installment Payments
✓ Email Notification Service - Listserv
✓ Urgency Legislation

Under Review
• Fifty Percent Over Excess Calculation
• Discretionary vs Mandatory Legislation
Updates to Legislation

The codes below have been added or amended in Appendix C, Revision 25:

<table>
<thead>
<tr>
<th>Year Chaptered</th>
<th>Added / Amended</th>
<th>Code Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>Added</td>
<td>B&amp;P 7502.2</td>
<td>Repossessors Fine, Misdemeanor</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>CC 1670.8</td>
<td>Civil Penalty; Unlawful Contract</td>
</tr>
<tr>
<td>2014</td>
<td>Amended</td>
<td>GC 26721.2(a)</td>
<td>Sheriff’s fees for serving a summons for any action commencing in superior court</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>GC 26721.2(b)</td>
<td>Sheriff’s fees for canceling a summons prior to its completion</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>GC 26721.2(c)</td>
<td>Sheriff’s fees for making a not-found return on a summons</td>
</tr>
<tr>
<td>2014</td>
<td>Amended</td>
<td>GC 26750</td>
<td>Sheriff’s fees for serving an earnings withholding order</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>GC 70663</td>
<td>Conservatorship Registration Fee</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>H&amp;S 25299.80.5</td>
<td>Underground Storage Tanks; Fine</td>
</tr>
<tr>
<td>2014</td>
<td>Amended</td>
<td>H&amp;S 25515.5(a)</td>
<td>Criminal Penalties Relating to Hazardous Waste Violations</td>
</tr>
<tr>
<td>2014</td>
<td>Amended</td>
<td>H&amp;S 25515.5(b)</td>
<td>Civil Penalties Relating to Hazardous Waste Violations</td>
</tr>
<tr>
<td>2014</td>
<td>Amended</td>
<td>PC 266k</td>
<td>Additional penalty for sexual exploitation crimes</td>
</tr>
<tr>
<td>2014</td>
<td>Amended</td>
<td>PC 2085.5</td>
<td>Restitution Fine; Deduction From Prisoner Wages</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>PC 2085.6</td>
<td>Restitution Fine; Released Prisoner</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>PRC 42285</td>
<td>Civil Penalties Relating to Single-Use Carryout Bags</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>WC 10732</td>
<td>Civil Penalties Relating to Excess Groundwater Extraction</td>
</tr>
<tr>
<td>2014</td>
<td>Added</td>
<td>W&amp;I 258(b)</td>
<td>Truancy Fine; Minors</td>
</tr>
<tr>
<td>2014</td>
<td>Amended</td>
<td>W&amp;I 730.6(b)(1)</td>
<td>Required Restitution Fine for Juveniles</td>
</tr>
</tbody>
</table>

List is not all-inclusive

*As of January 1, 2015*
Update Notifications

To receive automatic notification of updates to the Trial Courts Revenue Distribution Guidelines, please visit our website at:

Trial Court
Revenue Distribution
Frequently Asked Questions
FAQ Categories

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

www.sco.ca.gov/Files-ARD-Local/trial_court_revenue_distribution_faqs.pdf
FAQ Revisions

• Collaborative process (SCO/JC)
• Table of Contents

• 11 Categories (Remember to cross reference as some may overlap).
  • New Entries Include but are not limited to the following:
    • Bond Indebtedness
    • Record Retention
    • Mandatory Impositions
    • Judicial Assessment v. Penalty Assessment
    • BOS resolutions
FAQ Revisions

• UB&PS v Statutory Code
  • Responses may change with legislation or policy
  • New Questions or Updated Responses are bolded with “As of date”

Link to the FAQ’s

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

• Clarifications/New questions: RevenueDistribution@jud.ca.gov
FAQs: Next Steps

• Merging FAQ Docs
• Review questions received during training sessions
• Develop plan for add’l FAQs
Crosswalk: New Resource

• Sectional crosswalk tying Appendix C to other resources
• Minimizes Research Time
  • FAQ’s
  • UB&PS
• Distribution Template
### Crosswalk Between Appendix C, The Uniform Bail & Penalty Schedule, FAQ's, and Distribution Worksheets

**Table 2 - Special Distributions of Fines and Forfeitures Preceding PC 1463.001**

<table>
<thead>
<tr>
<th>Index</th>
<th>Code Section</th>
<th>Code Description</th>
<th>Violation</th>
<th>FAQ</th>
<th>Uniform Bail &amp; Penalty Schedule v 1-1-2015</th>
<th>Spreadsheet Template</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>1 PC 1305.3</td>
<td>Forfeited bail cost recovery</td>
<td>Costs prior to PC 1463.001 Distribution C-5, E-6</td>
<td>Not listed; this is just a cost recovery item</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>2 PC 1463.9</td>
<td>Litter Fines</td>
<td>H&amp;S 13002 PC 3743 VC 23111 VC 23112 VC 231125</td>
<td>not listed</td>
<td>not listed</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use Template 6 - fine is the same as the VC cites below - not less than $100 nor more than $1,000 Use Template 6 - but fine is different (min $250 max $1000 on first conviction and check for commercial quantity as fine increases and see probation terms)</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>3 PC 1463.11</td>
<td>Red Light Violations</td>
<td>VC 21453(a) VC 21453(b) VC 21453(c) VC 21453(d)</td>
<td>not listed</td>
<td>Use Template 6 - Red Light Bail Forfeiture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use Template 6 - Red Light Bail Forfeiture Use Template 6 - Red Light Bail Forfeiture Use Template 6 - Red Light Bail Forfeiture Use Template 6 - Red Light Bail Forfeiture</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>4 PC 1463.12</td>
<td>Railroad Crossing</td>
<td>VC 22451 VC 22452 VC 22526(d)</td>
<td>not listed</td>
<td>Use Template 4 - Railroad Bail Forfeiture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use Template 4 - Railroad Bail Forfeiture Use Template 4 - Railroad Bail Forfeiture Use Template 4 - Railroad Bail Forfeiture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use Template 4 - Railroad Bail Forfeiture Use Template 4 - Railroad Forfeiture</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>5 PC 1463.14(a)</td>
<td>Lab Fines for Convictions of Driving Under the Influence or Reckless Driving</td>
<td>DUI Under: VC 23152 VC 23153</td>
<td>not listed</td>
<td>Use Template 4 - Railroad Bail Forfeiture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use Template 4 - Railroad Bail Forfeiture Use Template 4 - Railroad Bail Forfeiture</td>
<td></td>
</tr>
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<td>Use Template 4 - Railroad Bail Forfeiture Use Template 4 - Railroad Bail Forfeiture</td>
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<td></td>
<td></td>
<td>Use Template 4 - Railroad Bail Forfeiture Use Template 4 - Railroad Bail Forfeiture</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>6 PC 1463.15</td>
<td>Vehicle Inspection and Sobriety Checkpoint</td>
<td></td>
<td>not listed</td>
<td>Not required. Funded $35 to County out of section 1463.001 deposit collected from each fine and forfeiture</td>
<td></td>
</tr>
</tbody>
</table>

**Template 4 - Railroad Bail Forfeiture**

**Template 5 - Railroad Forfeiture**

**Template 1 and 2 - DUI**

**Template 3 - Reckless Driving**
# Table 5 - Restitution Distribution

<table>
<thead>
<tr>
<th>Index</th>
<th>Code Section</th>
<th>Code Description</th>
<th>Violation</th>
<th>FAQ Description</th>
<th>Uniform Bail &amp; Penalty Schedule Description</th>
<th>Spreadsheet Template Link</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>ELEC 18547</td>
<td>Voter Intimidation</td>
<td>Restitution fine from those convicted of certain activities intended to compel a person to vote or dissuade a person from voting.</td>
<td>Not listed</td>
<td>Not listed</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>5.1</td>
<td>DC 50050</td>
<td>Exempt of Victim Restitution</td>
<td>Probate Code 7663</td>
<td>Not listed</td>
<td>Not listed</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>5.1</td>
<td>PC 68</td>
<td>Restitution; Bribery by Public Officer or Employees</td>
<td>Restitution fine from a public official or employee convicted of bribery. If no bribe was actually received, a fine of not less than $2,000 or more than $10,000. If a bribe was received, at least the amount of the bribe or $2,000, whichever is greater, or a larger amount of not more than double the bribe or $10,000, whichever is greater.</td>
<td>Not listed</td>
<td>Not listed</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>5.1</td>
<td>PC 86</td>
<td>Restitution; Bribery by Members of the Legislature</td>
<td>Restitution fine from a member of the Legislature convicted of bribery. If no bribe was actually received, a fine of not less than $2,000 or more than $10,000. If a bribe was received, at least the amount of the bribe or $2,000, whichever is greater, or a larger amount of not more than double the bribe or $10,000, whichever is greater.</td>
<td>Not listed</td>
<td>Not listed</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>5.2</td>
<td>PC 93</td>
<td>Restitution; Bribery by Judicial Officers or Jurors</td>
<td>Restitution fine from a judicial officer or juror convicted of bribery. If no bribe was actually received, a fine of not less than $2,000 or more than $10,000. If a bribe was received, at least the amount of the bribe or $2,000, whichever is greater, or a larger amount of not more than double the bribe or $10,000, whichever is greater.</td>
<td>Not listed</td>
<td>Not listed</td>
<td>Not applicable</td>
<td></td>
</tr>
</tbody>
</table>
| 5.2   | PC 294 (a) & (b) | Restitution; Sexual Offenses | (a) PC 273a  
(a) PC 273d  
(a) 288.5  
(a) 311.2  
(a) 311.3  
(a) 647.6  
(b) PC 261  
(b) PC 264.1  
(b) 285  
(b) 286  
(b) 288a  
(b) 289 | Not listed      | Not listed                                  | Not applicable             |         |
| 5.2   | PC 422.1     | Restitution; Terrorist Threats          | PC 148.1  
PC 11418.1 | Not listed      | Not listed                                  | Not applicable             |         |
| 5.2   | PC 484.1     | Pawnbroker and Secondhand Dealer; Restitution | Person knowingly gives false information or provides false verification of the true identity or ownership interest of property sold to a pawnbroker or secondhand dealer. | Not listed      | Not listed                                  | Not applicable             |         |
| 5.2   | PC 600.5     | Restitution; Injury or Death of a Guide, Signal, or Service Dog | OC 54.1 | Not listed      | Not listed                                  | Not applicable             |         |
| 5.2   | PC 1001.90   | Diversion Restitution Fee                | In all felony and misdemeanor cases that are diverted, not less than $100 or more than $3,000. | Not listed      | Not listed                                  | Not applicable             |         |
Questions?
Common Audit Findings

• Issues regarding:
  • Traffic Violator School (TVS) Fees
  • 30% Distribution on Red Light/ Railroad Violations
  • Parking Violation Penalties
Distribution of TVS Fees

Incorrect distribution of Traffic Violator School (TVS) fees

• When the defendant goes to traffic school, the total bail is converted to a TVS fee. (VC 42007)

• Certain amounts are imposed in addition to the TVS fee but are incorrectly included as part of the TVS fee, such as:
  • 20% State Surcharge (PC 1465.7)
  • Court Security Fee (PC 1465.8)
  • Criminal Conviction Assessment (GC 70373)
  • Additional TVS Fee (VC 42007.1)
30% Distribution from Red Light/Railroad Violations

30% distribution from red light/railroad violations is applied to the wrong penalties

• After deducting the 2% Automation, 30% of the following is disbursed to the county or city, pursuant to PC 1463.11 or PC 1463.12:
  • Base fine (PC 1463.001/PC 1463.002)
  • State Penalty (PC 1464)
  • Local Penalty (GC 76000)
  • State Court Facilities Fund (GC 70372)
  • EMAT Penalty (GC 76000.10)

• EMS Penalty and the DNA Penalties are excluded from the 30% at PC 1463.11 (Red Light).
Distribution of Parking Violation Penalties

Surcharge is not distributed as required on parking violations

- For each parking offense where a parking penalty, fine, or forfeiture is imposed, the following penalties shall be imposed in addition to the amount set by the city, district, other issuing agency or statute:
  - $4.50 for Court Construction Penalty (GC 70372)
  - $3.00 for Trial Court Trust Fund (76000.3)
- 50% of the Equipment Violation Penalty (VC 40225) is not being properly remitted to the State.
Audit and Distribution Issues

Audit Services of the Judicial Council performs:

- Regular cycle audits of the superior courts with a focus of what the CMS calculations are programmed to do now and the recent past.
- This testing focuses on testing complex distributions and other select distributions that have been found to be recent issues.
- Consultative advice on distribution issues.
Audit and Distribution Issues

Systemic or other issues found on recent audits or questions posed:

- Domestic violence fee effective 1-1-2014 went from $400 to $500. (PC 1203.097); Court required to provide a statement of reason on the record if it exercises discretion to reduce or waive the fee.

- Red light traffic school case – distributed the collections as a PC 1463.11 red light bail forfeiture instead of as a VC 42007.3 Red light traffic school.

- Fines are punitive and would be from the date of violation due to Ex Post Facto prohibitions, which means that the court cannot impose a more punitive fine (possibly at conviction date) than what existed at the time of the violation. This includes the State Restitution Fine per case law.

- Restitution fine is not subject to penalty assessments - PC1202.4(e) and see FAQ C 61.
Audit and Distribution Issues

- **PC 1205.3** - when probation is granted for an offense, fines including restitution fines can be converted to community service but fees cannot be converted.

- Where a defendant may have multiple cases filed against him/her and the judicial officer decides to hear these cases concurrently because the violations were filed separately, the base fines should not be added before calculating the penalties. FAQ F 3

- **GC 76000.3** additional $3 penalty on parking offenses (1-1-11) – determine whether the $3 is already part of the distribution – if not, it comes out of the total collected as the State receives $7.50. Some prior examples were prior to 1-1-11.
Audit and Distribution Issues

• 2% State Automation calculation and distribution
  • VC 42007 converts the fines and penalties to a traffic violator school fee and the 2% is incorrectly calculated and distributed from the fines and penalties for traffic school cases, except for child seat traffic school cases.
  • Assessed on all fines, penalties, and forfeitures NOT ON FEES
• State DNA penalty GC 76104.7
  • Assessment of $3 for every $10 of the enhanced base fine in all criminal cases (including VC or any local ordinance adopted pursuant to the VC) was made but it increased to $4 effective June 27, 2012
Panel of Experts

Frequently Asked Questions
Questions and Answers

- All questions submitted to be discussed
- Responses to be discussed between SCO and JC
- FAQ’s to be updated
Discussion on CMS Transition Challenges Related to Revenue Distribution
Instruction Goals and Expectations

Covered the Following:

• Provided updates to revenue distribution resources.
• Identified sources of resource materials for distribution calculation, analysis, and research.
• Panel of experts reviewed and discussed frequently asked distribution questions.

Will Cover Next:

• Distribution worksheets: Walked-through and explained calculations of distribution examples for select case types using worksheet tools and explained how to build a worksheet.
Other Items

• Online survey
• Training certificates
• Next Distribution Training -
  ✓ Fall 2015
  ✓ Webinar
  ✓ New 2015 statutes affecting distributions
Lunch Break
12:00pm – 1:00pm

Breakout Sessions
1:00pm – 3:00pm