BREAKOUT
Session B

Hands-on Special Distribution Calculations

Discussion Topics

1. Recap Standard Criminal/Traffic Fine Equation
2. Review distribution worksheet components
3. Perform distributions on worksheets
4. Top-down distribution demonstration
5. Questions/Open Discussion
Special Distributions

- Base fine reduction/ Multiple violations
- Base fine enhancement
- Traffic School
- Base fine reduction
- Top – down methods

- DUI
- Failure to Stop at Stop Sign
- Health & Safety
- Red light
- Proof of insurance
- Speeding bail forfeiture

Standard Criminal/Traffic Fine Equation

\[
\text{Base Fine} + \text{Base Fine Enhancements} = \text{Total Base Fine} \\
+ \text{State and Local Penalties} = \text{Initial Penalty} \\
+ \text{Surcharge, Fees, and Assessments} = \text{Total Bail or Fine}
\]
Base Fine or Base Bail

- The amount from which the additional penalties required by PC 1464; GC 70372, 76000, 76000.5, 76104.6, & 76104.7; and surcharge required by PC 1465.7 are calculated.
- Total bail shall not exceed statutory limits.
- The 'fine' amount of the total bail shall not exceed the limitations specified by the Vehicle Code.

UB&PS Section IV

Base Fine Enhancements

- Vehicle Code 40508.6(a) – Prior Convictions UB&PS section VII, pg. xiii
- Health & Safety Code 11372.5 - Criminal Lab Fee
  - Base fine enhancement of $50 for each violation of the HS code under subdivision (b).
- Health & Safety Code 11372.7 - County Drug Program Fee
  - Base fine enhancement of up to $150 for each violation of the HS codes 11350 through 11392 except HS 11357(b).
State and Local Penalties

- These penalties are calculated using the "Per 10, or part of 10" factor from a ROUNDED UP base fine.
- State and Local Penalties UB&PS Section III A, pg. iii
  - PC 1464 State penalty, $10 per 10
  - GC 76104.6 County DNA Identification Fund penalty, $1 per 10
  - GC 76104.7 State DNA Identification Fund additional penalty, $4 per 10
  - GC 70372(a) State court facilities construction penalty, $5 per 10
  - GC 76000(a) County penalty, $7 per 10 (BOS)
  - GC 76000.5 County Emergency Medical Services (EMS), $2 per 10 (BOS)

Additional State and Local Penalties

- GC 76000.10(c) Emergency Medical Air Transportation, $4 per VC conviction
- GC 70372 Immediate and Critical Needs Account (same $ as LCCF) and State Court Facilities Construction Fund (remainder of 5/10)
Surcharge

PC 1465.7 – 20% State Surcharge
- 20% state surcharge is **calculated on total base fines**.
- The state surcharge is **NOT** calculated on state and local penalties (PC 1464, GC 70372, and GC 76000.)
- The GC 68090.8 2% state court automation is **NOT** applicable to the state surcharge because the surcharge is not a fine or penalty.

2% State Court Automation

- **Transferred** from all fines, penalties, and forfeitures (not on surcharges or fees) collected in criminal cases.
- So, referring to our equation, 2% applies to the:
  - Base Fine
  - Base Fine Enhancement
  - Standard State and Local Penalties
2% State Automation – GC 68090.8

Applies to:
- State penalty (PC 1464)
- Local additional penalties (GC 76000)
- State court construction penalty (GC 70372)
- DNA Identification Penalty (GC 76104.6)
- DNA Additional Penalty Assessment (GC 76104.7)

Does not apply to:
- 20% state surcharge (PC 1465.7)
- Criminal conviction assessment (GC 70373)
- Court operations assessment (PC 1465.8)

Fees and Assessments

- PC 1465.8 – Court Operations Assessment
- GC 70373 – Criminal Conviction Assessment
- VC 42006 - Night Court Special Assessment
Preparing for distributions

1. Gather information:
   - Codes violated
   - Violation date and conviction date
   - Disposition on each count (conviction, dismissed, traffic school)
   - Arresting agency (county, city, CHP)
   - Prior violations
   - Base fine and enhancements

2. Obtain County Board of Supervisors resolutions

3. Determine other factors

Components of a Distribution Spreadsheet

Disclaimer: All spreadsheets have been updated to reflect what we believe are the statutes in effect as of TODAY. Thus, they are subject to change based on laws that are effective subsequent to today’s training. These spreadsheets are used for testing and review and not configuration work.

Be sure the fines, penalties, and fees reflect the statutes in effect for the period reviewed.
**Case Information**

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<td>Arresting Agency</td>
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**City** 0

**TOTAL Enhanced BASE FINE** 0

**Portion of 10** 0

**Disposition** 0

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**Case Study—Regular Traffic School Distribution, Speeding**

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**City** 0

**TOTAL Enhanced BASE FINE** 0

**Portion of 10** 0

**Disposition** 0

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**Case Information:**
- Violation date
- Disposition date
- Arresting agency
Penal Code section 1463.002: “The base fine amounts from city arrests shall be subject to distribution according to the following schedule:

Yolo .......................... 22
Davis .......................... 19
Winters .......................... 19
Woodland .......................... 20
County percentage .......................... 20

Note: these percentages represent the county's share of the base fine. For cities and other local agencies not listed, the “County percentage” is used.
**State and local penalties:**

- **State penalty**
- **County local penalties**
- **Additional EMS, SCFCF, ICNA**
Standard and court-specific fees: 20% surcharge
Criminal Conviction Assessment
Court Operations Assessment
Case Study # 1
Base Reduction: DUI

WATCH OUT FOR:

Reductions: amounts that must be deposited prior to any distributions.
Special Base Fine Distribution: DUI

- Base reduction:
  - PC 1463.18— DUI Indemnity ($20)

- Additional DUI Penalties:
  - PC 1463.25— Alcohol Education (up to $50)
  - PC 1463.14 (b)— DUI Lab Test (up to $50)
Case # 1 Scenario 2: Add Failure to Stop at Stop Sign

WATCH OUT FOR:
Any special distribution requirements and ensure that violations are cited on the same incident (citation).

Distribution with Multiple Violations

• Calculate the $10 state penalty from the total fine or bail for each case (PC1464 (b))
• When a fine is suspended, in whole or in part, the state penalty shall be reduced in proportion to the suspension.
• Impose the EMAT penalty (GC 76000.10); Court Operations Assessment (PC 1465.8; and the Criminal Conviction Assessment (GC 70373) for each offense.
### Case Study # 2

**Base Enhancement: Health & Safety Violation**

**WATCH OUT FOR:**

*How the 2% State Court Automation and the $4 EMAT apply.*
The following fine increments (enhancements) are deposited prior to any transfer pursuant to H&S 11502 (General Distribution of Uniform Controlled Substances):

- **HS 11372.5— Criminal Lab Fee, $50**
  - Base enhancement of $50 for each violation of the H&S Code under subdivision (b)

- **HS 11372.7— County Drug Program Fee, $150**
  - Base fine enhancement of up to $150 for each violation of H&S Codes 11350 through 11392, except H&S 11357 (b)
Case Study # 3
Traffic School – Red Light Violation

WATCH OUT FOR:

What is and is not part of the TVS fee.

Special Traffic School Distribution

- Some Vehicle Code violations eligible for traffic school do not follow the regular VC 42007 traffic school distributions.
- Instead, specific traffic school distributions apply, or are exempted. For example:
  - Red light traffic school – VC 42007.3
  - Railroad traffic school – VC 42007.4
  - Child seat traffic school – VC 27360.6
Red light Traffic School Distribution (cont’d)

- Under VC 42007.3(a)(1), 30% of the TVS Fee collected is allocated to the County or City general fund. Guidelines, pg. 81

  Reminder: TVS Fee = Total Bail (base + penalties)

- After the 30% allocation, the remainder of the TVS Fee is distributed pursuant to VC 42007.

### Red light Traffic School Distribution (cont’d)

- **Under VC 42007.3(a)(1), 30% of the TVS Fee collected is allocated to the County or City general fund. Guidelines, pg. 81**

  Reminder: TVS Fee = Total Bail (base + penalties)

- **After the 30% allocation, the remainder of the TVS Fee is distributed pursuant to VC 42007.**

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<tr>
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Case Study #4
Proof of Insurance

WATCH OUT FOR:
Watch out for transfer of 2% State Court Automation amount from each base fine reduction.

Special Base Fine Distribution
Proof of Insurance

The following special deposits are made prior to distribution of the base fine (Guidelines):

- Penal Code 1463.22 (a)— County Special Account ($17.50)
- Penal Code 1463.22 (b)— State Transportation Fund ($3.00)
- Penal Code 1463.22 (c)— State General Fund ($10.00)
### Case Study #6 - Proof of Insurance

**CASE INFORMATION**

Case Number: RDS-0419-PC0014  COUNT 5  VC 16020 (a)  BASE FINES 0

Violation Date: 06/28/2019  Violation Description: Speed of Financial Responsibility  Priors 0

Registration Date: 02/23/2019  Violation Type: Traffic Infraction  Enhanced BASE 0

Arresting Agency: San Diego County Sheriff  Disposition: Bail Forfeiture

<table>
<thead>
<tr>
<th>County</th>
<th>Violation Type</th>
<th>Priors</th>
<th>BASE FINES</th>
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<tbody>
<tr>
<td>Crafton Hills</td>
<td>BASE FINES</td>
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**TOTAL BASE FINES: $0.00**

### Standards Act/10

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<td>PC 1465.003 - Base City</td>
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<tr>
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<td>PC 76000.10 - EMR: State Rd - County portion (15%)</td>
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<tr>
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<td>VC 76000.10 - Driver's License ($5)</td>
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<td>4</td>
<td>GC 76000.10 - DMV Advt. PA (2/10)</td>
<td>COUNTY</td>
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**TOTAL BASE FINES: $0.00**

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### Case Study #4 - Proof of Insurance with One Pior

**CASE INFORMATION**

Case Number: RDS-0419-PC0014  COUNT 5  VC 16020 (a)  BASE FINES 0

Violation Date: 06/28/2019  Violation Description: Speed of Financial Responsibility  Priors 0

Registration Date: 02/23/2019  Violation Type: Traffic Infraction  Enhanced BASE 0

Arresting Agency: San Diego County Sheriff  Disposition: Bail Forfeiture

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**TOTAL BASE FINES: $0.00**

### Standards Act/10

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**TOTAL BASE FINES: $0.00**
Top-Down Distributions

- This special distribution applies for judge-ordered total fines that do not follow the standard total bail in the UB&PS or the countywide penalty schedule.
- These total fines are typically less than the standard total bail.
- There is no stated or agreed-upon method for performing the Top-Down distribution, so the following are examples of two methods.

Top-Down Distribution
Speeding Spreadsheet

ASSUMPTION:
Standard total fine is $367 but the judge ordered a fine of $150

WATCH OUT FOR: What distribution components are and are not prorated.
Top-Down Distribution
Two Methods

- Method 1: prorates “soft” distribution components ONLY
- Method 2: prorates ALL distribution components

BREAKOUT SESSION
RECAP

1. Reviewed the components of a distribution spreadsheet
2. Using distribution spreadsheets worked through the following case studies:
   - Base fine reduction distribution— DUI (Scenario 2, Addition of Failure to Stop at Sign violation)
   - Base enhancement distribution— H&S
   - Special traffic school distribution— Red light
   - Base fine reduction— Proof of Insurance (Scenario 2, One Prior conviction added)
   - Top down distribution methods — Speeding
Resources

- Uniform Bail and Penalty Schedules (UB&PS)
- California Legislative Information (Leg.Info)
- Trial Court Revenue Distribution Guidelines (Guidelines)
- Revenue Distribution FAQs
- Crosswalk

Questions

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LocalGovPolicy@sco.ca.gov