

## Revenue Distribution Training Spring 2016



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

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# INTRODUCTION

Andi Liebenbaum  
Judicial Council of California  
Office of Governmental Affairs

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**San Diego**  
**Opening Remarks**

Sean Sander  
Jeff Gately  
Anita Dagan

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**Sacramento**  
**Opening Remarks**

George Lolas  
Zlatko Theodorovic

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**San Diego**  
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## Things to Know

- Restrooms: out the door to the left
- Lunch 60 minutes; provided in lobby
- Attendee Packet
  - Wi-Fi Connection
  - Veggie/Gluten Free Meal Ticket
  - Description of Sessions A and B
  - 2 "Question Forms"
  - Evaluation Questionnaire

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## Things to Know

- Training Evaluation Questionnaire
  - Your feedback is important to us
  - Complete "sections" on front and back in real time during the training
  - Place in "drop box" at Registration Desk when you leave (after the workshops)
- Training Completion Certificate
  - Pick up your training certificate at the Registration Desk when you leave.
  - 4.5 hours training credit for full day
  - 2.5 hours credit if you cannot attend a workshop

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## Asking Questions

- Questions welcome at any time
- Or... wait for Panel of Experts
- Your questions used for FAQs
- Use microphone for verbal questions
- Use "Question Form" for written questions
- Staff helpers with mics and forms

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## Question Form

- Write ALL questions on a "Question Form"
  - Including verbal questions
  - Include name, email, and phone
  - One question per form
  - Circle "written," "verbal," or "panel"
  - Circle "category" of question
  - If answer needs research, we will follow up

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## **Training Goals**

- Provide information and updates on revenue distribution and collections
- Identify resource materials for distribution calculations, analysis, and research
- Review and discuss frequently asked questions for distribution and collections
- Hands on distribution worksheets:
  - Review basic and special distributions

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## **Training Agenda**

- Training Overview and Goals (JCC)
- Basic Concepts, Inter-Relationships (JCC)
- Resources (JCC) (see 2-page print out)
- Legislative Updates – Distribution & Collections (JCC)
- Uniform Bail and Penalty Schedule (JCC)
- Collections Updates (JCC)
- Franchise Tax Board Overview
- Trial Court Revenue Distribution Guidelines (SCO)
- FAQ's (SCO / JCC)
- Distribution Audit Issues (SCO / JCC)
- Panel of Experts

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## **Training Agenda Print Outs**

- Training Materials on Website

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

- PowerPoint Presentation
- Training Agenda
- Resources & Links
- Distribution of Fines, Penalties & Fees
- Legislative Updates
- Uniform Bail and Penalty Schedule
- Crosswalk Guide (Updated)
- Workshop Materials "A" and "B"
- FAQs (optional)

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## **Breakout Sessions Distribution Worksheets 1:00-3:00pm**

### **Session A:**

Basic "Hands On" Distribution Worksheet Training:  
New to distribution; statutes; Speeding; Bail Forfeiture;  
Top-Down Distributions

### **Session B:**

"Hands On" Special Distributions Worksheet Training:  
Speeding/Traffic School; Red Light Bail Forfeiture;  
DUI Bail Forfeiture; Top-Down Distributions

Dismissed at 3:00pm – No Regroup

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## Faculty and Contacts

### State Controller's Office

Division of Accounting and Reporting

Local Government Policy Section

Anita Dagan

*Manager*

Michael Gungon

*Fiscal Analyst*

Don Lowrie

*Program Analyst*

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## Faculty and Contacts

### Judicial Council

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*Fiscal Analyst*

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*Sr Fiscal Analyst*

Theida Salazar

*Fiscal Analyst*

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[Collections@jud.ca.gov](mailto:Collections@jud.ca.gov)

[Amnesty@jud.ca.gov](mailto:Amnesty@jud.ca.gov)

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## **Faculty and Contacts**

### Judicial Council

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Attorney, Criminal Justice Services

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## **Faculty and Contacts**

### Franchise Tax Board

#### Non-Tax Debt Collection Program

Christopher Hicks        [Christopher.Hicks@ftb.ca.gov](mailto:Christopher.Hicks@ftb.ca.gov)  
Section Manager

#### Court-Ordered Debt Program

Carrie Deterding        [Carrie.Deterding@ftb.ca.gov](mailto:Carrie.Deterding@ftb.ca.gov)  
Program Manager

#### Interagency Intercept Collections

Denise Azimi            [Denise.Azimi@ftb.ca.gov](mailto:Denise.Azimi@ftb.ca.gov)  
Program Manager

FTB-COD & FTB-IIC Pubic Mailbox  
[nontaxdebtcollections@ftb.ca.gov](mailto:nontaxdebtcollections@ftb.ca.gov)

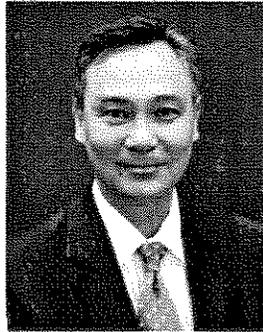
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# Overview

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## Council's Administrative Director Named to National Task Force on Fines, Fees, and Bail



Administrative Director Martin Hoshino

SAN FRANCISCO—Martin Hoshino, Administrative Director of the Judicial Council of California, was named to a newly created, national task force charged with addressing the ongoing impact that court fines, fees, and bail practices have on communities—especially the economically disadvantaged—across the United States.

Hoshino will co-chair the task force's Transparency, Governance & Structural Reform working group, along with Nathan Hecht, Chief Justice of the Texas Supreme Court.

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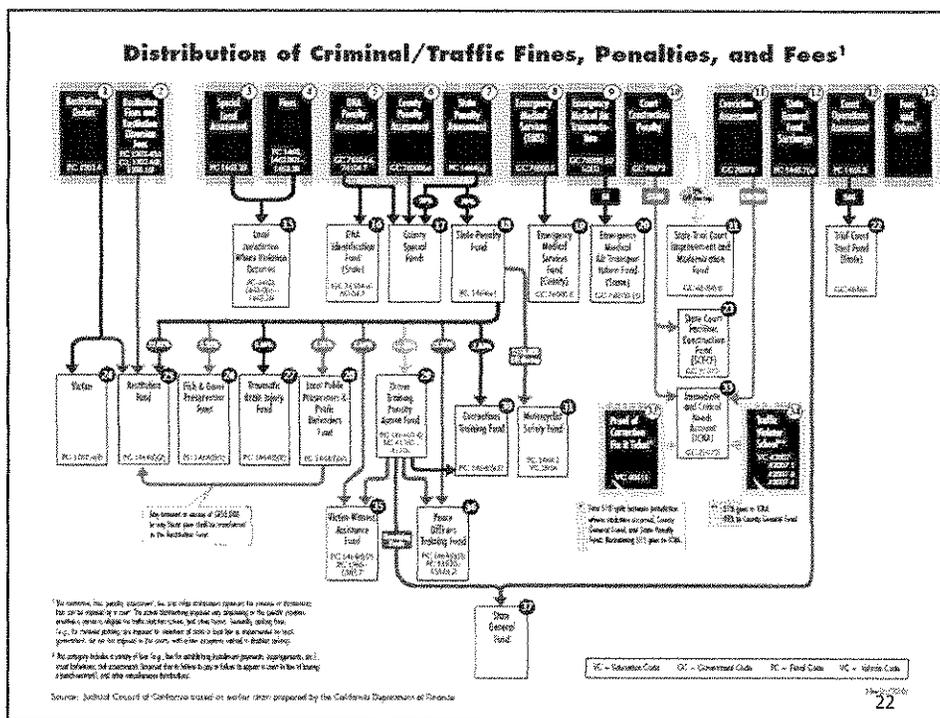
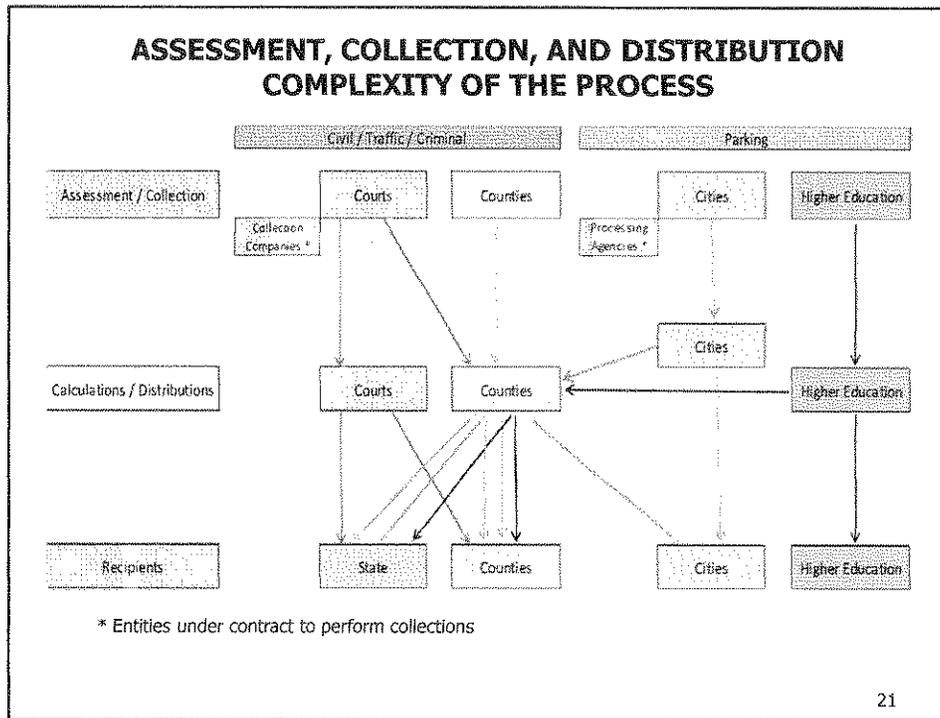
# **Futures Commission**

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# **Revenue Distribution Basic Concepts Inter-Relationships & Resources**

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## **Revenue Distribution Resource Inter-Relationships**

- Statutes
- SCO Trial Court Revenue Distribution Guidelines
- JCC's Uniform Bail and Penalty Schedule
- FAQs
- Revenue Distribution Audit Worksheets

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## **Distribution Resources**

- Resources & Links (2-page print out)
- Sectional Crosswalk tying Trial Court Revenue Distribution Guidelines to other resources
- Minimizes Research Time
  - FAQ's
  - Uniform Bail & Penalty Schedule
  - Distribution Template

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# **Judicial Council Legislative Updates**

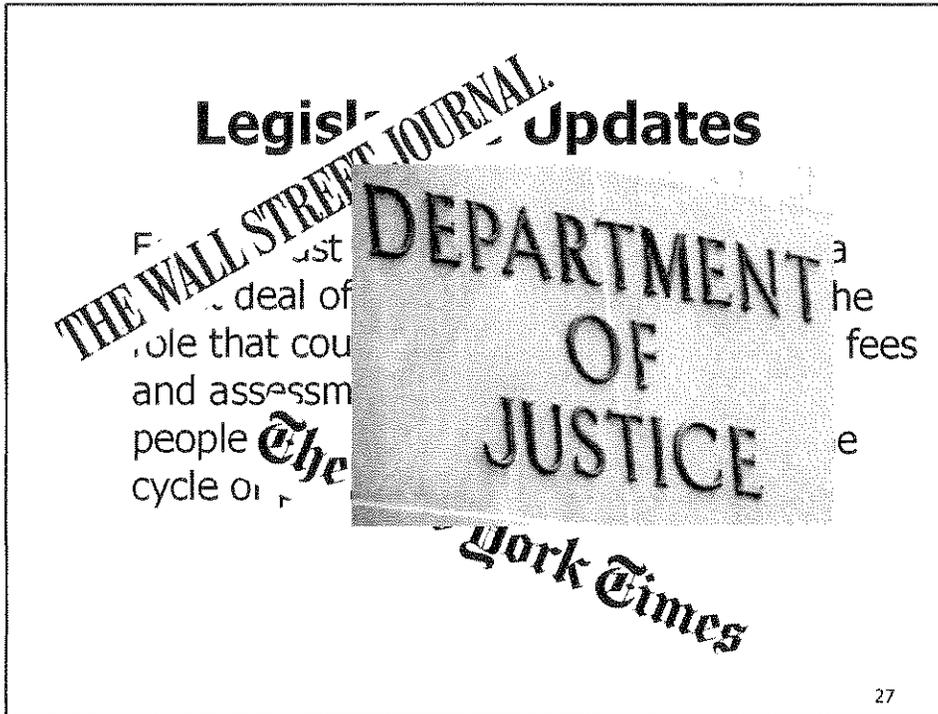
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## **Legislative Updates**

Judicial Council staff tracks legislation on behalf of the courts and the judicial branch generally.

What does this have to do with you?  
(We're so glad you asked!)

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## Legislative Updates

Judicial Council is tracking a number of bills in the California Legislature that may, if passed and signed into law, have an impact on fines, fees, assessments and penalties.

## **Legislative Updates**

Since you all are responsible for collecting and distributing the money that comes in from fines, fees, etc., **YOU SHOULD KNOW WHAT WE'RE TRACKING!**  
(We do this for you!)

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## **Legislative Updates**

Here is a list of the bills we are currently looking at in the Senate:

- SB 881
- SB 882
- SB 986
- SB 1046

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## **Legislative Updates**

If you are interested in watching the progress of these bills in the Legislature, you can go to the courts website at:

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

Once you are on this page, you can select from a number of options including links for "Active Legislation" and "Legislative Status Charts." We encourage you to check back periodically to see how the bills that you care about are changing over the course of the legislative session.

Or, you can visit California Legislative Information at:

<http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

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## **Questions?**

**(Evaluation questionnaire...)**

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# **JUDICIAL COUNCIL**

## **UNIFORM BAIL AND PENALTY SCHEDULES**

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### **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.

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## 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.

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## JC Uniform Bail and Penalty Schedules

[www.courts.ca.gov/documents/2015-JC-BAIL.pdf](http://www.courts.ca.gov/documents/2015-JC-BAIL.pdf)

The Uniform Bail and Penalty schedules are revised to conform to recent legislation. The Judicial Council adopted the 2016 Uniform Bail and Penalty Schedule at the December 2015 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.

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Attachment A

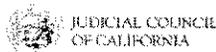


# Uniform Bail and Penalty Schedules

2015-2016 EDITION

(Cal. Rules of Court, rule 4.102)

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



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. Rule 4.102 of the California Rules of Court provides that with certain exceptions deposit of bail is not required to appear for arraignment or trial for an infraction case. Deposits may be required, for instance, with an trial for certain misdemeanors, if a person does not meet a condition to appear as ordered by the court, or a criminal offense carries a penalty for a deposit to schedule a trial.

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 fees; 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 of 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 total abstinence 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, unless a California code or regulation specifies otherwise, is:

	Base	+ Additional Penalties* & Surecharge	+ Fees	= Total Bail**/Fees (*See sections II-IV)
Misdemeanor \$ 75 +	\$251		+ \$70	= \$326
Infraction \$ 35 +	\$127		+ \$75	= \$232

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:

Misdemeanor \$125 +	\$388		+ \$70	= \$539
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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:

Misdemeanor \$100 +	\$310		+ \$70	= \$480
Infraction \$ 35 +	\$123		+ \$75	= \$233



### EXAMPLES OF ADDITIONS OR MODIFICATIONS

**Addition or modification of infraction offenses for violation of Vehicle Code sections:**

- 21207.5(a), illegal operation of motorized bicycle or class 3 electric bicycle;
- 21213(a), operation of class 3 electric bicycle by person under 16 years of age;
- 21213(b), violation of helmet requirement for class 3 electric bicycle;

**Modification of misdemeanor offense for violation of Vehicle Code section:**

- 2800(a), refusal to obey police officer;
- 2801, refusal to obey firefighter prohibited;
- 2803(a), refusal to adjust unsafe or unlawful load;

**Addition or Modification of Fish and Game Code sections:**

- 2000(a), unlawful taking or possession of fish or wildlife;
- 2010(a), unlawful possession or use of shotgun;
- 2015(a), unlawful possession of bird, fish, etc., in restaurant or eating establishment;

**Addition or Modification of Business and Professions Code sections:**

- 7637.1, license required to operate as a cemetery broker or salesperson;
- 7673.1, storage of cremated remains in a reckless manner;

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## 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:

- Kimberly DaSilva or Jamie Schechter  
(415) 865-4534 or (415) 865-5327

[Kimberly.DaSilva@jud.ca.gov](mailto:Kimberly.DaSilva@jud.ca.gov)

[Jamie.Schechter@jud.ca.gov](mailto:Jamie.Schechter@jud.ca.gov)

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# **Questions?**

**(Evaluation questionnaire...)**

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# **Judicial Council Funds & Revenues Unit Collections Updates**

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## **Collections Updates**

### **Inter-County Probation Case Transfers**

**AB 673 (Penal Code 1203.9)**

- **Background**
- **Status**
- **Next Steps**

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## **Collections Updates**

### **Amnesty**

- **Background**
- **Current Status**

**<http://www.courts.ca.gov/partners/941.htm>**

**[Amnesty@jud.ca.gov](mailto:Amnesty@jud.ca.gov)**

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# **Collections Updates**

## **Collections** **Reporting Template**

- **CRT WebEx Training**
  - July 20 (10:30-12:00)
  - July 26 (1:30-3:00)
- **Sept 1 Deadline**
- **Legislative Report**

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STATE OF CALIFORNIA  
**Franchise Tax Board**

# Questions?

(Evaluation questionnaire...)

## Court Revenue Distribution Training Spring 2016



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California State Controller's Office



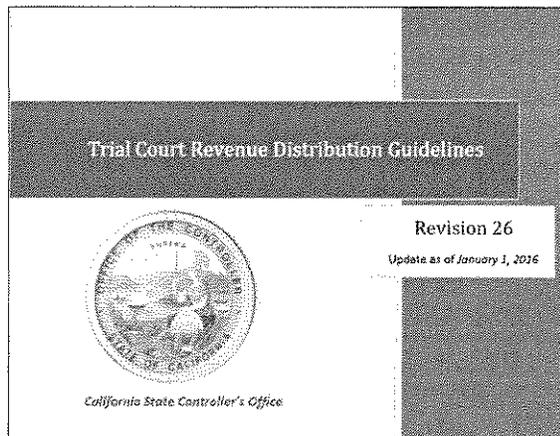
# Overview of the *Trial Court Revenue Distribution Guidelines*



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## Trial Court Revenue Distribution Guidelines



In compliance with California Code, The **Trial Court Revenue Distribution Guidelines** provide direction on the distribution of fees, fines, forfeitures, penalties, and assessments resulting from criminal and civil violations.



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## Types of Trial Court Revenues

- **Fees** – a sum paid or charged for a service
- **Fines** – a sum imposed as punishment
- **Forfeitures** – the loss of property or money through seizure
- **Penalties/Assessments** – a sum imposed as punishment in addition to a fine



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## Fines, Penalties, and Assessments: It Adds Up

**Base fines are typically increased by the following:**

**State Penalty:** \$10 for every \$10\*

**Local Penalty:** Up to \$7 for every \$10\*

**EMS Additional Penalty:** \$2 for every \$10\*

**State & Local DNA Penalties:** \$5 for every \$10\*

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

*\*(or portion thereof)*

**Or, up to \$29 for every \$10 in base fine (or portion thereof) is added, plus**

**State Surcharge:** 20% of the base fine.

**Thus, a \$50 fine can become \$205 --before fees of \$70-\$75 are added on. These penalties and fees apply to all criminal fines unless otherwise specified.**

**Some offenses have additional penalties which increase the total fine even more.**



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## Distribution of Trial Court Revenues

**PC 1463.001** dictates monthly distribution of the fines, penalties, service charges, and allocations collected and deposited with the county:

1. Penalties and assessments added to base fines are distributed to appropriate funds according to statute.
2. Base fines without a specific distribution are distributed as follows:
  - **County arrests** are distributed 100% to **county**.
  - **City arrests** are split between **city and county** pursuant to **PC 1463.002**.
3. Base fines with a specified distribution are allocated to the proper funds, as described in the Guidelines.



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## How to Use the Guidelines



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## How to Use the Guidelines: Research

**Question:** We've received funds from the violation of B&P 22948.20(a) -- providing the operation of a voice recognition feature on a connected television, without prominently informing the television user or designee during the initial setup or installation.

How do we distribute these funds?

- **Step One:** Search the Guidelines using keywords or the code section to find the distribution. (B&P 22948.20, 22948.20, television, voice recognition, etc.)
- **Step Two:** Once you have found a match, confirm with statute at <http://leginfo.legislature.ca.gov>.
- **Step Three:** If your question is not answered, check the online FAQs at [http://www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html).
- **Step Four:** If you have additional questions, contact us at [LocalGovPolicy@sco.ca.gov](mailto:LocalGovPolicy@sco.ca.gov).



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California State Controller's Office

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## How to Use the Guidelines: Index

- An index to the code sections found in the Guidelines, along with page numbers, appears at the end. This allows you to quickly locate a particular code section and determine the appropriate distribution.

HEALTH AND SAFETY CODE *continued*

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California State Controller's Office

## Reading Entries in the Guidelines



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## Reading Entries in the Guidelines

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
8&P 22948.23 -- Connected Televisions  Effective January 1, 2016	Violations of B&P 22948.20-22948.25 subject to civil penalty not to exceed \$2500 for each connected television sold or leased.	If the Attorney General brings the action: 100% to the State.	General Fund.	Not specified.
		If a district attorney brings the action: 100% to the County.	Not specified.	Not specified.

- Code Section** – The California code section, with a descriptive title. Each code section will be cited using the Guideline's abbreviation for the code, followed by the section number.
- Violation/Situation** – The California code under which the conviction occurred (unless the code is the same as the distribution code) and/or a description of the situation that resulted in the charge.
- Distribution** – The entity or entities to which the revenue is distributed (state, county, city, other agency, or victim) and the percentages of and/or conditions for the distribution.
- Applicable Fund** – The fund to receive the distribution, as designated in the statute. "Not specified" means no specific fund is designated in the statute; the general fund of the receiving agency is the default fund in such cases.
- Fund Use/Special Provision** – The use of funds as restricted in the statute. "Not specified" means that a use is not specified in the statute.



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## Reading Entries in the Guidelines

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
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		If a district attorney brings the action: 100% to the County.	Not specified.	Not specified.

### BUSINESS AND PROFESSIONS CODE - BPC

#### CHAPTER 35. Connected Televisions [22948.20 - 22948.25]

##### 22948.23.

(a) Actions for relief pursuant to this chapter may be prosecuted exclusively in a court of competent jurisdiction in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney. This chapter shall not be deemed to create a private right of action, or limit any existing private right of action.

(b) A court may enjoin a person who knowingly engages, has engaged, or proposes to engage, in a violation of this chapter. The court may make any orders or judgments as may be necessary to prevent a violation of this chapter.

(c) A person who knowingly engages, has engaged, or proposes to engage, in a violation of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each connected television sold or leased in violation of this chapter. If the action is brought by the Attorney General, the penalty shall be deposited into the General Fund. If the action is brought by a district attorney, the penalty shall be paid to the treasurer of the county in which the judgment was entered.

(Added by Stats. 2015, Ch. 524, Sec. 1. Effective January 1, 2016.)



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# Updates to the Guidelines



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California State Controller's Office

## Adding New Entries to the Guidelines

Table 8  
Civil Fine and Penalty Distributions

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
SEP 22445 - Civil Penalty, Immigration Consultants	Violations of SEP 22445-22448 subject to civil penalties not to exceed \$100,000 for each violation.	If the Attorney General brings the action:		
		50% to the County.	Not specified.	Not specified.
		50% to the State.	General Fund.	Not specified.
		If a district attorney brings the action:		
100% to the County.	Not specified.	Not specified.		
SEP 22946.22 - Connected Televisions	Violations of SEP 22946.22-22946.25 subject to civil penalty not to exceed \$2500 for each connected television sold or leased.	If the Attorney General brings the action:		
		50% to the County.	Not specified.	Not specified.
		50% to the State.	General Fund.	Not specified.
		If a district attorney brings the action:		
100% to the County.	Not specified.	Not specified.		
CC 1670.2 - Civil Penalty, Unlawful Contract	Violations of CC 1670.2 subject to civil penalty not to exceed \$2,500 for the initial violation and \$5,000 for each subsequent violation, plus an additional penalty of \$10,000 if the violation was willful, intentional, or reckless.	If the Attorney General brings the action:		
		100% to the State.	General Fund.	Not specified.
		If a district attorney brings the action:		
		100% to the County.	Not specified.	Not specified.
CC 1708.6(a) and (b) - Invasion of Privacy	Civil fine of not less than \$5,000 nor more than \$50,000 for invasion of privacy committed for commercial purposes.	If a district attorney brings the action:		
		100% to the County.	Not specified.	Not specified.
CC 1708.6(a) and (b) - Invasion of Privacy	Civil fine of not less than \$5,000 nor more than \$50,000 for invasion of privacy committed for commercial purposes.	If the Attorney General brings the action:		
		50% to the State.	Art and Entertainment Fund.	By appropriation to fund grants issued by the California Arts Council.



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California State Controller's Office

## Updates to Guidelines

The codes below were added or amended in 2015, and include both urgency legislation and legislation effective January 1, 2016. The following codes are included in Revision 26 of the *Trial Court Revenue Distribution Guidelines*.

Added/Amended	Code Section	Description
Added	B&P 19918	Commercial cannabis activity
Added	B&P 19950	Cultivation of marijuana
Added	B&P 22948.23	Connected televisions
Added	F&G 2022	Ban on importation or sale of ivory or rhinoceros
Added	F&G 12025	Violations in connection with production or cultivation of controlled substance
Added	F&G 12025.1	Obstructing the passage of fish in specified districts
Added	F&A 27581.4	Violation of egg production & marketing laws
Added	GC 70602.6	Added supplemental filing fee, \$40 on top of \$355; extended to June 30, 2018
Amended	GC 70616	Complex case fee, \$1000 per defendant, maximum of \$18,000; extended to June 30, 2018
Added	GC 70616.5	High frequency litigation fee, additional \$1000 for construction-related accessibility claims
Amended	GC 70617	Filing fee for filing a motion, application, or other paper requiring a hearing, as specified, \$60; extended to June 30, 2018
Amended	GC 70657	Filing fee for motions requiring a hearing subsequent to first paper under Probate Code, \$60; extended to June 30, 2018
Amended	GC 70677	Filing fee for motions requiring a hearing subsequent to first paper in family law cases, \$60; extended to June 30, 2018
Added	H&S 25367	Hazardous substance release disclosure of information requirements
Added	H&S 123473	Reproductive FACT Act notice requirements
Added	PRC 41821.5	Solid waste reporting requirements
Added	PRC 42364	Safe or distribution of products containing microbeads, takes effect in 2020
Added	VC 42008.8	State amnesty program for infractions & specified misdemeanors
Added	WC 377	Local water conservation regulations; civil penalties
Added	WC 1058.5	State Water Resources Control Board water conservation emergency regulations
Added	WC 1846	Violation of State Water Resources Control Board regulations, orders, or terms & conditions, as specified.

List is not all-inclusive



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## Listserv Notifications

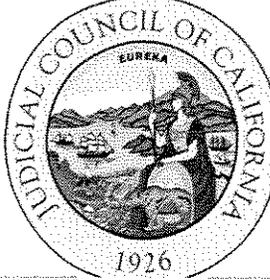
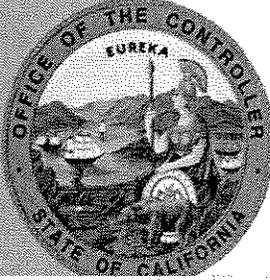
To receive automatic notification of updates to the Trial Courts Revenue Distribution Guidelines, please visit our website at:

- [http://www.sco.ca.gov/ard\\_trial\\_courts\\_notification\\_email.html](http://www.sco.ca.gov/ard_trial_courts_notification_email.html)



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## Trial Court Revenue Distribution Frequently Asked Questions



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## FAQ Categories

[http://www.sco.ca.gov/Files-ARD-Local/FAQs\\_\(Master\).pdf](http://www.sco.ca.gov/Files-ARD-Local/FAQs_(Master).pdf)

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

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## 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
- Examples

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## FAQ Revisions

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 section 68150-68153 still govern the terms of case records?
A	Case files still must be retained in accordance with statute, rule, and policy. Any financial records 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.

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## FAQ Revisions

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.

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## FAQ Revisions

- Uniform Bail & Penalty Schedule 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](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)

Clarifications/New questions: RevenueDistribution@jud.ca.gov

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## **FAQs Next Steps**

- Review questions received during training sessions
- Determine additional FAQs
- Merge FAQ Docs

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## **FAQs Posted on Websites**

**Check resources on SCO and JCC websites:**

[www.courts.ca.gov/revenue-distribution.htm](http://www.courts.ca.gov/revenue-distribution.htm)

[www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)

- Revenue Distribution Training FAQs
- 2015 Training FAQs Posted
  - FAQs Dec 2015 Training
  - FAQs May 2015 Training
- Master FAQs (soon to be merged)
  - FAQs 2013 Master

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# **State Controller's Office**

## **Distribution Audits**

### **Court Revenue Distribution Training**



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## SCO Court Revenue Audits

The screenshot displays the California State Controller's Office website. The main heading is "SCO Court Revenue Audits". Below this, there are two panels. The left panel, titled "Court Revenue Audit Reports", lists reports for various years from 2007 to 2015. The right panel, titled "Reports Issued in 2015", lists specific reports for that year, including "State Revenue 2015", "Local Government 2015", and "County Revenue 2015". At the bottom of the screenshot, the URL [http://www.sco.ca.gov/aud\\_court\\_revenues.html](http://www.sco.ca.gov/aud_court_revenues.html) is provided. The logo for Controller Betty T. Yee is visible in the top left and bottom left corners of the screenshot.

## SCO Common Audit Issues

- Issues regarding:
  - Red Light Violations and EMAT Penalties
  - EMAT Penalties and TVS Bail
  - 50-50 Excess of Qualified Revenues
  - Distribution of Additional Parking Penalties

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## Red Light Violations and EMAT Penalties

**EMAT penalty is being excluded from first 30% allocated to the city/county general fund**

CODE SECTION	VIOLATION	DISTRIBUTION	
		FROM	TO
PC 1463.11 — Red Light Violations	Any of the following: VC 21453(a) and (c) VC 21454(c), VC 21457(a).	After deducting the 2% automation, 30% of PC 1463.001, PC 1464, GC 70372(a), GC 76000, and GC 76000.10 moneys. 30% excludes state surcharge and other penalty assessments, such as: GC 76000.5 (EMS), GC 76104.6 (DNA), and GC 76104.7 (DNA). Balance of PC 1463.001, PC 1464, GC 76000, and GC 70372(a) moneys.	If a County arrest, to County General Fund.  If a City arrest, to City General Fund.  Distributions pursuant to PC 1463.001, PC 1464, GC 70372(a), and GC 76000, on a pro rata basis.

- PC 1463.11 requires certain revenues collected for red light violations to be allocated: <sup>\*p.10 of SCO's TCRDG</sup>
  - First 30%** to the general fund of the city/county general fund
  - Remaining 70%** is deposited by the county treasurer under PC 1463 and 1464
- EMAT Penalty (GC 76000.10) should be included in the 30% allocation, same as PC 1464
  - GC 76000.10(c)(2)** "The penalty described in this subdivision shall be in addition to the state penalty assessed pursuant to Section 1464 of the Penal Code."



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## SCO Common Audit Issues

- Issues regarding:
  - ✓ Red Light Violations and EMAT Penalties
  - EMAT Penalties and TVS Bail
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  - Distribution of Additional Parking Penalties



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## EMAT Penalties and TVS Bail

### EMAT is being excluded from Traffic Violator School (TVS) bail

- When the defendant elects to take traffic school, the total bail is converted to a TVS fee. (VC 42007)
- EMAT penalty (GC 76000.10) **not an exception** listed in VC 42007
- The EMAT penalty should not be excluded from TVS bail
- Leads to findings in the TVS portion 50-50 Excess of Qualified Fines, Fees, and Penalties

CODE SECTION	VIOLATION/SITUATION
VC 42007 — Uniform Fee for Attending Traffic Violator School (TVS) or Court-Supervised Driving Instruction	Fee equal to the total bail for the eligible offense from every person ordered to attend a traffic violator school or other court-supervised program of driving instruction.
<p>TVS Fee equals (total bail):</p> <p>Step 1: county base fine + state penalty + local penalty + DNA penalty (Prop 69) + Add'l DNA penalty (AB 1806) + EMAT penalty</p> <p>Step 2: city base fine + EMS penalty + state court facilities construction penalty+ additional EMS Penalty</p>	
<p>Excluded from Total Bail:</p> <p>The 20% state surcharge, the court security fee, the criminal conviction assessment, and the Add'l TVS fee (VC 42007.1) are imposed and collected in addition to the TVS fee; they are not components of the TVS fee itself. They are distributed pursuant to their own codes.</p>	<p>Additional fee up to \$35 if TVS fee is collected in installments</p> <p>*p.75 of SCO's TORDG</p>



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## SCO Common Audit Issues

- Issues regarding:
  - ✓ Red Light Violations and EMAT Penalties
  - ✓ EMAT Penalties and TVS Bail
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## 50-50 Excess of Qualified Fines, Fees, and Penalties

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION
GC 77205 -- Excess Revenue Amount  <i>Specified counties base year remittances were adjusted pursuant to subdivision (c).</i>	The essential process is to calculate the revenue the county general fund has received from the eight specified fines, fees, and forfeitures stated in GC 77205; compare that amount to the statutory threshold listed in GC 77201.1; and remit 50% of the difference. <i>Note: The revenue calculation is to be based on the applicable statutes as they read on December 31, 1997.</i>	The excess amount shall be divided between the county or city and county and the state, with 50% of the excess transferred to the state for deposit in the State Trial Court Improvement and Modernization Fund.  The excess amount shall be divided between the county or city and county and the state, with 50% of the excess transferred to the county for deposit in the County General Fund.	State Trial Court Improvement and Modernization Fund.  County General Fund.	To assist in improving and modernizing the State Trial Courts.  Not specified.

\*p.61 of SCO's TCRDG

**How to Compute the 50-50 Excess of Qualified Revenues:**

1. Calculate the total revenue the CGF received from the qualifying revenues in GC 77205(a)
2. Compare this amount to county threshold in GC 77201.1 or GC 77205(c)
3. Remit 50% of the difference between the two amounts (the excess) to the State and the remaining 50% to the County General Fund



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## 50-50 Excess of Qualified Revenues

**As noted in GC 77205(a), qualified revenues include:**

1. PC 1463.001
2. PC 1464
3. PC 1463.07 \*Formerly GC 29550(f)
4. VC 42007
5. VC 42007.1
6. VC 42008
7. GC 27361(b)
8. GC 76000(c)

**Recent Audit Issues with:**

- **VC 42007** – Traffic Violator School Fee (TVS)
- **GC 76000(c)** – County General Fund portion of county parking penalty



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# 50-50 Excess of Qualified Revenues (VC 42007)

## VC 42007 77% requirement incorrectly calculated

**VC 42007(b) states:**

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code and allocated monthly as follows in the general fund of the county and, as may be applicable, distributed as follows:

~~(1) Seventy-seven percent of the amount shall be deposited in the General Fund, except that effective January 1, 1992, 14 percent of the moneys transmitted under this paragraph shall be deposited in the State Courthouse Construction Fund.~~

~~(2)(1) 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 Section 76100 or 76101 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.~~

- Red shows what has been deleted since Dec. 31, 1997, blue shows current reading
- **Only 77% of the TVS Bail** to the County General Fund shall be calculated into the 50-50 Excess
- Additionally, some counties have been issued two findings for excluding EMAT penalties from TVS bail, resulting in an undercalculation of this VC 42007 requirement



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# 50-50 Excess of Qualified Revenues (GC 76000(c))

## GC 76000(c) requirement of \$1 for every \$2.50 additional penalty in 76000(b) is incorrectly calculated

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND
GC 76000 (b), (c), & (d) — Parking Penalties	Additional penalty of \$2.50 for authorized fund established pursuant to GC 76100 (Local Courthouse Construction Fund) upon every parking penalty, fine, or forfeiture imposed, reduced to \$1.00 plus money needed to pay for construction provided for in GC 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council.	\$1 of each \$2.50 to the County.	County General Fund.
		\$1.50 to the County.	Courthouse Construction Fund (GC 76100).
	Additional penalty of \$2.50 for each authorized fund established pursuant to GC 76101 (Criminal Justice Facilities Fund) upon every parking penalty, fine, or forfeiture imposed.	\$1 of \$2.50 to the County.	County General Fund.
		\$1.50 of each \$2.50 to the County.	Criminal Justice Facilities Construction Fund (GC 76101).

\*p.75 of SCO's TCRDG

- GC 76000(b) authorizes additional penalties of \$2.50 on each parking offense for each fund in the county's BOS has submitted a resolution for \$5.00 total
  - County Courthouse Construction Fund (GC 76100)
  - County Criminal Justice Facilities Construction Fund (GC 76101)



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## 50-50 Excess of Qualified Revenues (GC 76000(c))

**GC 76000(c) requirement of \$1 for every \$2.50 additional penalty in  
76000(b) is incorrectly calculated**

**GC 76000(c) states:**

*"(c) The county treasurer shall transfer to the Controller deposit one dollar (\$1) of every two dollars and fifty cents (\$2.50) deposited/collected pursuant to subdivision (b). The Controller shall deposit these moneys which are received by him or her prior to January 1, 1997, in the General Fund. The Controller shall deposit these moneys which are received by him or her on or after January 1, 1997, in the State Courthouse Construction Fund. (b) into the general fund of the county."*

- Red shows what has been deleted since Dec. 31, 1997, blue shows current reading
- GC 76000(c) requires **\$1.00 from each** of these \$2.50 additional penalties to be sent to CGF (\$2.00 total)
- Those \$2.00 are to be calculated into the GC 76000 requirement of the 50-50 Excess
- Additionally, GC 76000(d) provides that if the county has transferred responsibility for facilities to Judicial Council, the additional penalty for the County Courthouse Construction Fund (GC 76100) shall be reduced to \$1.00.



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## SCO Common Audit Issues

- Issues regarding:
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  - ✓ 50-50 Excess of Qualified Revenues
- Distribution of Additional Parking Penalties



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## Distribution of Additional Parking Penalties

**Parking penalties are not being distributed as required**

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND
GC 76000.3 — Trial Court Trust Fund Parking Penalty	An added penalty of three dollars (\$3) on all parking offenses shall be imposed in addition to the penalty, fine, or forfeiture set by the courts, city, district, or other issuing agency.	State Treasury.	Trial Court Trust Fund.  *p.57 of SCO's TCRDG
GC 70372(b) — State Court Construction Penalty; Parking Offenses	Additional penalty of \$4.50 upon every parking penalty, fine, or forfeiture.  (Note: The previous reduction of this penalty by the amount of the local courthouse construction penalty on parking (GC 76000(b)) has been repealed – see GC 70375.	100% to the State.  Note: GC 68090.8 (b) not applicable to non-misdemeanor parking offenses.	2/3 to Immediate and Critical Needs Account (ICNA). 1/3 to State Court Facilities Construction Fund.  *p.53 of SCO's TCRDG

- VC 40200.4 requires processing agencies to deposit with county treasurer all sums due to the county from 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:
  - \$3.00 for Trial Court Trust Fund Parking Penalty (76000.3)
  - \$4.50 for State Court Construction Penalty (GC 70372(b))

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## Distribution of Additional Parking Penalties

**Parking penalties are not being distributed as required**

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND
GC 76000 (b), (c), & (d) — Parking Penalties	Additional penalty of \$2.50 for authorized fund established pursuant to GC 76100 (Local Courthouse Construction Fund) upon every parking penalty, fine, or forfeiture imposed, reduced to \$1.00 plus money needed to pay for construction provided for in GC 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council.	\$1 of each \$2.50 to the County.	County General Fund.
		\$1.50 to the County.	Courthouse Construction Fund (GC 76100).
	Additional penalty of \$2.50 for each authorized fund established pursuant to GC 76101 (Criminal Justice Facilities Fund) upon every parking penalty, fine, or forfeiture imposed.	\$1 of \$2.50 to the County.	County General Fund.
		\$1.50 of each \$2.50 to the County.	Criminal Justice Facilities Construction Fund (GC 76101).

\*p.75 of SCO's TCRDG

If authorized by County BOS resolution:

- \$2.50 or \$1.00 for Courthouse Construction Fund (GC 76000(b))
- \$2.50 for Criminal Justice Facilities Fund (GC 76000(b))

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## Distribution of Additional Parking Penalties

**Parking penalties are not being distributed as required**

Additional Parking Penalties per Parking Offense	
\$3.00	Trial Court Trust Fund Parking Penalty (GC 76000.3)
\$4.50	State Court Construction Penalty (GC 70372(b))
Depending on County BOS Resolution and Bonded Indebtedness	
\$2.50 or 1.00	Courthouse Construction Fund (GC 76100)
\$2.50	Criminal Justice Facilities Construction Fund (GC 76101)

- Depending on your county, that can be **up to \$12.50** of additional penalties on each parking offense.

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## SCO Common Audit Issues

- Issues regarding:
  - ✓ Red Light Violations and EMAT Penalties
  - ✓ EMAT Penalties and TVS Bail
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  - ✓ Distribution of Additional Parking Penalties

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# **Judicial Council**

## **Audit Services**

### **Distribution Audit Issues**

## **JC Distribution Audits**

### Judicial Council Audit Services:

- Audits superior courts, including review of revenue distribution calculations and distributions.
- Revenue distribution review focuses on the current or more recent CMS calculations and distributions to provide recommendations for improvement going forward.
- Cannot review all distributions, so focus is on high-volume case types, such as speeding, and some common complex case types, such as traffic school and DUI.

## **Distribution Audit Issues**

Systemic revenue distribution issues found on recent audits:

- Board of supervisor (BOS) resolution issues
  - Imposed and distributed GC 76000 local penalties that are not supported by county BOS resolutions.
  - Could not provide copies of the BOS resolutions to support its imposition and distribution of the GC 76000.5 – Additional EMS penalty.
  - Could not provide copies of the BOS resolutions to support its imposition and distribution of the PC 1463.14(b) – \$50 Additional Penalty for Alcohol Content Laboratory Testing for DUI cases.

## **Distribution Audit Issues**

Systemic revenue distribution issues found on recent audits:

- Traffic school distribution issues
  - Distributed red light (RL) traffic school cases as PC 1463.11 RL bail forfeiture cases instead of as VC 42007.3 RL traffic school cases.
  - Did not calculate the VC 42007.4 30% Railroad (RR) Allocation from the fine/penalty components that are converted to the Traffic Violator School (TVS) fee.
  - Did not include the GC 76104.6 and 76104.7 DNA and the GC 76000.5 Additional EMS penalties as components of the TVS fee when calculating the VC 42007.4 30% RR Allocation.
  - Transferred the GC 68090.8 2% State Automation from the fine/penalty components of the TVS fee on traffic school cases.

## **Distribution Audit Issues**

Systemic revenue distribution issues found on recent audits:

- Traffic school distribution issues (Continued)
  - Did not transfer the GC 68090.8 2% State Automation amount from the VC 27360.6(c) 15% portion of the base fine that is allocated to the Child Seat Loaner Program on child seat traffic school cases.
  - Assessed a VC 11208(c) \$5 DMV Traffic School Program Administration fee instead of the \$3 DMV Traffic School Program Administration fee prescribed by the California Code of Regulations, Title 13, Section 345.00(g).
  - Applied a \$2 increase to the VC 11205.2(c) Traffic School Traffic Assistance Program fee, but could not provide an actual cost analysis to support this fee increase from \$15 to \$17 for its traffic assistance program nonprofit.

## **Distribution Audit Issues**

Systemic revenue distribution issues found on recent audits:

- Emergency Medical Air Transportation (EMAT) Penalty issues
  - Excluded the EMAT penalty from the 30% RL Allocation calculation for RL bail forfeiture cases.
  - Transferred the GC 68090.8 2% State Automation from the EMAT component of the TVS fee. The 2% State Automation transfer is no longer applicable when fines and penalties converted to a TVS fee.
  - Distributed the EMAT penalty to the State on traffic school cases. When a case is disposed with traffic school, except for child seat traffic school cases, the EMAT penalty is converted to one of the components of the TVS fee which is distributed to the county.

## **Distribution Audit Issues**

Systemic revenue distribution issues found on recent audits:

- 30% Red Light (RL) and Railroad (RR) allocation issues
  - Did not calculate the PC 1463.11 30% RL allocation from the base fine and applicable penalties for RL bail forfeiture cases (new CMS configuration issue.)
  - Did not calculate the PC 1463.12 30% RR allocation from the base fine and applicable penalties for RR bail forfeiture cases (new CMS configuration issue)

## **Distribution Audit Issues**

Systemic revenue distribution issues found on recent audits:

- Fishing without a license issues
  - Did not assess and distribute the FG 12021 \$15 State Secret Witness penalty, and did not transfer the associated 2% State Automation for fishing without a license cases.
  - Assessed the FG 12021 \$15 State Secret Witness penalty even though the defendant provided proof at court of a valid license at the time of the citation for fishing without a license cases.

## **Distribution Audit Issues**

Systemic revenue distribution issues found on recent audits:

- Other issues
  - Did not assess and deduct from the base fine the PC 1463.14(a) Reckless Driving Lab Special Account and the PC 1463.16 Reckless Driving Program Special Account deposits for reckless driving cases.
  - Imposed the VC 40508.6(a) \$10 DMV Administrative assessment even though the conviction was for a non-Vehicle Code violation.
  - Distributed collections to the city that should have been distributed to the county because arrests made by either the CHP outside of city limits or the sheriff were entered as city arrests instead of as county arrests.

## **Questions?**

**(Evaluation questionnaire...)**

# Panel of Experts

Submit Written Questions

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# Panel of Experts

State Controller's Office

Michael Gungon – Don Lowrie

Judicial Council

Lucy Fogarty – Robert Cabral - Maria Lira

Superior Court of Ventura County

Richard Cabral

County of Nevada

Tex Ritter

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# Questions?

(Evaluation questionnaire...)

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## Training Recap

### Covered the Following:

- Updates to revenue distribution resources
- Identified resource materials for distribution calculation, analysis, and research
- Legislative Updates
- 2016 Uniform Bail and Penalty Schedule
- Collections Updates
- Franchise Tax Board Programs
- Distribution Audit Issues
- Panel of Experts

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## Training Recap

### Next:

Distribution worksheets:  
Walk-through to explain calculations of  
distribution examples for select case types  
using worksheet tools.

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## Workshops

Lunch 12:00–1:00pm

- Workshops 1:00pm to 3:00pm
  - Laptops needed
  - Please share
  - Locations of "A" and "B"
  - Dismissed after workshop

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## **Next Revenue Distribution Training Webinar**

### **“Hold the Date”**

- ✓ Dec 6 & 7, 2016
- ✓ New 2016 statutes

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## **Reminders**

When you leave...

- Training evaluations in “Drop Box”
- Pick up training completion certificate at Registration Desk

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## **Lunch Break**

12:00pm – 1:00pm

## **Breakout Sessions**

1:00pm – 3:00pm

Wrap up and adjourn

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