Revenue Distribution Breakout Session
“Hands On”
Basic Distributions
Session A
Revenue Distribution Training – Spring 2016
Instruction Goals and Expectations

• Provide information on some basic concepts and terms regarding distributions necessary to complete distribution worksheets.

• Using Audit Services’ distribution worksheets attendees will on a hands-on basis:
  • Work through actual case studies of basic distributions.
  • Change information on the cases (priors, different base fines, etc.) to see their effect on the distributions.

Note: While Audit Services distribution worksheets will be used, any worksheet that serves an individual’s style or purpose works.
BASIC CONCEPTS AND TERMS
Standard Criminal/Traffic Fine Equation

Base Fine + Base Fine Enhancements =

Total Base Fine + State and Local Penalties =

Initial Penalty + Surcharge, Fees, and Assessments =

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 and minimum statutory amounts must be imposed.
- The ‘fine’ amount of the total bail shall not exceed the limitations specified by statute.

UB&PS Section IV, pg. vii
Bail Calculator

• Traffic Infractions
• Common Violations Computed
• Correctable Offenses/BOS
• Should not use for double fine zones (safety enhancements)
Base Fine Enhancements

• Enhancement for Prior VC Convictions
  UB&PS section VII, pg. viii
  • $10 is added to the base fine for each “prior” conviction within 36 months of the new offense. Both the current and “prior” offense must be a moving violation where a “point” was assigned per VC 12810 or 12810.2. The $10 prior enhancements are assessed for each prior violation on a single count (assessed only once per case). Prior enhancements do not apply to traffic school cases. (DISTINGUISHED FROM VC 40508.6)

• HS 11372.5 - Criminal Lab Fee SCO TCRDG
  • Base fine enhancement of $50 for each violation of the HS code under subdivision (b).

• HS 11372.7 - County Drug Program Fee SCO TCRDG
  • Base fine enhancement of up to $150 for each violation of the HS codes 11350 through 11392 except HS 11357(b).
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 VC infractions.

The penalty schedule for infraction violations of the VC is established by the Judicial Council per Section 40310 of the Vehicle Code.

- VC 40310: requires Judicial Council to annually adopt a uniform traffic penalty schedule for all non-parking VC infractions.
2% State Court Automation

- GC 68090.8 - 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
    - State and Local Penalties
Surcharge

- PC 1465.7 – 20% State Surcharge  SCO TCRDG
  - 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.
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 per board of supervisors resolution = $7 per 10
  - GC 76000.5 emergency medical services (EMS) additional penalty per board of supervisors resolution = $2 per 10
BOS Resolution

• Is there a list of assessments requiring a BOS resolution?
• If I do not have one, should I assess?
• How do I obtain a BOS Resolution
State and Local Penalties

- **PC 1464 - State Penalty**  
  A penalty of $10 per $10 (or part of $10) upon every fine, penalty, or forfeiture imposed - 70% goes to the State and 30% goes to the County.

- **GC 76000 (a) & (e) - County Penalties**  
  A penalty of $7 per $10 (or part of $10) upon every fine, penalty, or forfeiture imposed (board of supervisors).
  - Board resolution specifies distribution to the following local funds: GC 76100 Courthouse Construction Fund; GC 76101 Criminal Justice Facilities Fund; GC 76102 Auto Fingerprint ID Fund; GC 76103 Forensic Lab Fund; GC 76104 EMS Fund; GC 76104.5 DNA ID Fund; and/or GC 76105 Special Purpose Fund.
  - If responsibility for facilities transferred to State and **NO bonded indebtedness remains**, the additional penalty follows GC 76000 (e).

*CASE 1. Version 4*
Transfer/ No Bonded Indebtedness

GC 70375.

(a) This article shall take effect on January 1, 2003, and the fund, penalty, and fee assessment established by this article shall become operative on January 1, 2003, except as otherwise provided in this article.

(b) The authority for all of the following shall expire proportionally on the June 30th following the date of transfer of responsibility for facilities from the county to the Judicial Council, except so long as money is needed to pay for construction provided for in those sections and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council:

(1) An additional penalty for a local courthouse construction fund established pursuant to Section 76100.
(2) A filing fee surcharge in the County of Riverside established pursuant to Section 70622.
(3) A filing fee surcharge in the County of San Bernardino established pursuant to Section 70624.
(4) A filing fee surcharge in the City and County of San Francisco established pursuant to Section 70625.

(c) For purposes of subdivision (c), the term "proportionally" means that proportion of the fee or surcharge that shall expire upon the transfer of responsibility for a facility that is the same proportion as the square footage that facility bears to the total square footage of court facilities in that county.
Additional Penalties

- **GC 76104.6 - DNA Identification Penalty** SCO TCRDG
  - Additional penalty of $1 per $10 (or part of $10) for every fine, penalty, or forfeiture imposed.
  - Assessed on all criminal offenses.
  - County transfers 25% to State each quarter.

- **GC 76104.7 - DNA Identification Penalty** SCO TCRDG
  - Additional penalty of $4 per $10 (or part of $10) for every fine, penalty, or forfeiture imposed.
  - Assessed on all criminal offenses (for violations after June 27, 2012.)
  - County to transfer 100% to State.
Additional Penalties

- GC 70372 (a) - State Court Facilities Construction Penalty
  - Additional penalty of $5 per 10 (or part of $10) upon every fine, penalty, or forfeiture imposed.
  - Distributed to the State ICNA and State CFCF

- GC 76000.5 - Emergency Medical Services (EMS)
  - Additional penalty assessment of $2 per 10 (or part of $10) of the base fine (board of supervisors resolution).
  - Distributed to the County Maddy EMS Fund
Additional Penalties

- GC 76000.10(c)(1) $4 EMAT Penalty
  UB&PS Section III F, pg.iv and SCO TCRDG

- A $4 penalty for emergency medical air transportation services (EMAT) is imposed for every VC conviction, or a local ordinance adopted under the VC, committed on or after January 1, 2011.

- Distributed to the State EMAT Fund
Fees and Assessments

- **PC 1465.8 – Court Operations Assessment** (Formerly Court Security Fee) **SCO TCRDG**
  - $40 assessed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1463.
  - “Conviction" includes the confidential conviction of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school.
  - 100% distribution to State TCTF.

- **GC 70373 – Criminal Conviction Assessment** **SCO TCRDG**
  - $30 assessed for each **felony/misdemeanor** conviction, or
  - $35 assessed for each **infraction** conviction (including confidential conviction for completion of traffic school.)
  - 100% distribution to State ICNA.
Fees and Assessments

- VC 42006 - Night Court Special Assessment
  - Vehicle Code or local ordinance adopted where the court conducts night or weekend court sessions for traffic offenses.
  - Court may levy a $1 special assessment per fine, forfeiture, and traffic violator school fee imposed.
  - When facilities have transferred w/o bonded indebtedness, the $1 special assessment goes to the State.
  - Non-parking violations
AS Distribution

Spreadsheets

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.
Components of the AS Distribution Spreadsheet.
QUESTION

• How many exist?
### Step 1: Enter all Case Information

#### Test Steps:
1. Enter Case Information
2. Enter the base fine of violation per current UBS
3. Enter county local penalties, add1 EMS, SCFICNA
4. Enter standard and Court-specific fees
5. If case’s total fine is NOT standard, enter total fine and select TOP-DOWN from drop-down list
6. Enter Court’s distribution codes & amounts
7. Tickmark any FINDINGS numerically then detail below

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**CASE INFORMATION**

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<th>BASE FINE</th>
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<table>
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**DISTRIBUTION**

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<tr>
<th>DISTRIBUT ENTITY</th>
<th>DISTRIBUT CODE or DESCRIPTION</th>
<th>DISTRIBUT AMT</th>
</tr>
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</table>

For example:
- VC 42007 - TVS Fee (rem bal: Total fine minus Pre-TV5)
- VC 42007 - County
- VC 42007 - Base City (98% of city portion)
- PC 1464 - State PA - State portion (70%)
- PC 1464 - State PA - County portion (30%)
**STEP 2**
Enter the base fine ordered—(from the current JC Uniform Bail and Penalty Schedule for traffic infractions.)
STEP 3: Enter the county penalties, additional EMS, and ICNA (ICNA=LCCF on 1/1/1998)
Step 4
Enter standard and Court-specific fees.