

JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 14–15, 2017

TitleAgenda Item Type
Judicial Council Report to the Legislature:
Information Only

18-month Statewide Infraction Amnesty

Program

Date of Report
August 28, 2017

Submitted by

Zlatko Theodorovic, Director and Chief Contact

Financial Officer Maria Lira, 916-263-7320 Budget Services Office maria.lira@jud.ca.gov

Executive Summary

Judicial Council's Budget Services has submitted the attached report on the *18-month Statewide Infraction Amnesty Program* to the Legislature on August 31, 2017. This one-time report provides amnesty information as filed by the 58 court or county collection programs on the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program, as required by Vehicle Code section 42008.8 (Sen. Bill 85; Stats. 2015, ch. 26).

Previous Council Action

There has been no previous Judicial Council action related to this report.

Methodology and Process

Judicial Council staff from Budget Services and the Office of Governmental Affairs worked in partnership to assist the courts and counties with implementation of the statewide amnesty program and report to the Legislature the success of the 18-month program, as required by Vehicle Code section 42008.8.

Vehicle Code section 42008.8 was enacted as part of the 2015 Budget Act in the Public Safety Trailer Bill (Sen. Bill 85; Stats. 2015, ch. 26) to authorize a one-time mandatory amnesty program for the collection of delinquent bail and fines meeting certain eligibility criteria.

Effective October 1, 2015, each court or county responsible for the collection of delinquent court-ordered debt under Penal Code section 1463.010(b) implemented the 18-month traffic amnesty program. The program allowed individuals with delinquent infraction or specified misdemeanor cases to satisfy their payment obligation at a significant reduction and/or have their driver's license restored.

Vehicle Code section 42008.8 further requires that a report be submitted to the Legislature about the results of the amnesty program. Each court or county was required to submit information to the Judicial Council about the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program by May 31, 2017. All 58 court and county collection programs submitted this statutorily required information. Below are highlights from the report to the Legislature:

- 255,306 cases were resolved through the amnesty program;
- 246,300 requests to lift driver's license suspensions were sent to the Department of Motor Vehicles (DMV) pursuant to amnesty;
- Total gross revenue collected by the courts and counties was \$45,111,315;
- Total operating costs of the amnesty program were \$13,549,179;
- Total of \$12,656,529 in costs recovered, pursuant to Penal Code section 1463.007;
- Net revenue collected and distributed was \$31,562,136; and
- Judicial branch criminal revenue loss during 2015–2016 and 2016–2017 totals approximately \$131.8 million based on current revenue projections.

Extrapolating this revenue decline statewide is significant since the judicial branch only receives approximately 40% of all criminal revenue collections.

Policy and Cost Implications

This is a mandated report to the Legislature. There are no anticipated costs related to the approval of this report.

Attachments

1. Attachment A: 18-month Statewide Infraction Amnesty Program Report



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MR. MARTIN HOSHINO Administrative Director, Judicial Council August 28, 2017

Ms. Diane F. Boyer-Vine Legislative Counsel State Capitol, Room 3021 Sacramento, California 95814

Mr. Daniel Alvarez Secretary of the Senate State Capitol, Room 400 Sacramento, California 95814

Mr. E. Dotson Wilson Chief Clerk of the Assembly State Capitol, Room 3196 Sacramento, California 95814

Re: 18-month Statewide Infraction Amnesty Program, as required under Vehicle Code section 42008.8

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

The Judicial Council respectfully submits this report, as required by Vehicle Code section 42008.8 to provide information to the Legislature regarding the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. This one-time report provides amnesty information as filed by the 58 court and county collection programs that implemented the *18-month Statewide Infraction Amnesty Program*, as required by Vehicle Code section 42008.8 (Sen. Bill 85; Stats. 2015, ch. 26).

Ms. Diane F. Boyer-Vine Mr. Daniel Alvarez Mr. E. Dotson Wilson August 28, 2017 Page 2

If you have any questions related to this report, please contact Maria Lira, Senior Budget Analyst, Budget Services, at 916-263-7320, or collections@jud.ca.gov.

Sincerely,

Martin Hoshino Administrative Director Judicial Council

MH/AG/ml Attachment

cc: Jessica Devencenzi, Policy Consultant, Office of Senate President pro Tempore Kevin de León

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Matt Osterli, Consultant, Senate Republican Fiscal Office

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MR. MARTIN HOSHINO Administrative Director, Judicial Council

Report title: 18-month Statewide Infraction Amnesty Program

Report

Statutory citation: Vehicle Code section 42008.8

Date of report: August 28, 2017

The Judicial Council has submitted a report to the Legislature on the 18-month Statewide Infraction Amnesty Program. This one-time report provides amnesty information as filed by the 58 court or county collection programs on the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program, as required by Vehicle Code section 42008.8 (Sen. Bill 85; Stats. 2015, ch. 26).

The 18-month amnesty program was offered to provide individuals the opportunity to resolve their delinquent court-ordered debt at a significant reduction and to request restoration of driving privileges. According to reports filed by all 58 court and county collection programs, 255,306 cases were resolved; \$45,111,315 in gross revenue was collected; and total operating costs for the Amnesty Program were \$13,549,179. Net revenue collected and distributed under the Traffic Amnesty Program was \$31,562,136. In addition, more than 246,000 individuals qualified to have their driver's license restored.

Although total judicial branch criminal revenue collections have declined in recent years—coinciding with the start of the amnesty program in October 2015—branch revenues, including court operations and court construction funding, declined steeply in 2015–2016 and 2016–2017, totaling approximately \$131.8 million based on current revenue projections.

The full report on the 18-month Statewide Infraction Amnesty Program is available at www.courts.ca.gov/7466.htm.

For more information or to obtain a printed copy of the amnesty report, please contact Maria Lira, Senior Budget Analyst, at 916-263-7320.

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18-month Statewide Infraction Amnesty Program Report

AS REQUIRED BY VEHICLE CODE SECTION 42008.8(M)

AUGUST 2017



Introduction

On June 27, 2015, the Governor signed the fiscal year (FY) 2015–2016 Annual Budget which included an 18-month infraction and misdemeanor amnesty program¹ to (1) provide relief to individuals who faced significant cost barriers to paying off court-ordered debt, (2) restore driver's licenses, (3) generate revenue for the State Penalty Fund, and (4) decrease outstanding court-ordered debt. Vehicle Code section 42008.8, which was added to implement the amnesty program, requires the Judicial Council of California to report on the amnesty program on or before August 31, 2017, and include data on the number of amnesty cases resolved, the amount of money collected, and the program operating costs of the amnesty program. This report was prepared in satisfaction of that requirement, pursuant to Vehicle Code section 42008.8(m).

Summary of Findings

The 18-month amnesty program resulted in the resolution of 255,306 amnesty cases, and the collection of \$45,111,315 in gross revenue. Costs to operate the amnesty program were \$13,549,179, although only \$12,656,529 was recovered because some programs didn't generate sufficient revenue to cover their costs.

Although total judicial branch criminal revenue collections have declined year-over-year from 2011–2012 to 2014–2015 (averaging approximately -3% per year), branch revenues declined steeply in 2015–2016 and 2016–2017 coinciding with the start of the amnesty program.

• Judicial branch criminal revenue loss during 2015–2016 and 2016–2017 totals approximately \$131.8 million based on current revenue projections.

Extrapolating this revenue decline statewide is significant since the judicial branch only receives approximately 40% of all criminal revenue collections.

Additionally:

- 246,300 requests to lift driver's license suspensions were sent to the Department of Motor Vehicles (DMV) pursuant to amnesty.
- The average rate of default (individuals who stopped paying off their payment plans) was 34.4%.
- Five and one half percent of all eligible amnesty accounts resulted in reduced outstanding balances during the program.
- Eligible amnesty debt worth an estimated \$2.62 billion was reduced by \$45.1 million collected during amnesty.

¹ 18-month, one-time mandatory amnesty program in each county that reduced bail and fine amounts for Vehicle Code and non-Vehicle Code infractions meeting the eligibility requirements. The statute also allowed, upon court and county agreement, a one-time amnesty program for specified Vehicle Code misdemeanors.

Background

Vehicle Code section 42008.8 was signed into law as part of the FY 2015–2016 Budget Act, in the Public Safety Trailer Bill (Sen. Bill 85; Stats. 2015, ch. 26). It authorized a one-time infraction amnesty program to do all of the following:

- Provide relief to individuals who are in violation of a court-ordered obligation because of unpaid debt;
- Provide relief to individuals who have had their driving privileges suspended;
- Provide increased revenue by encouraging payment of old fines that have remained unpaid; and
- Allow courts and counties to resolve older delinquent debt.

Relief through the amnesty program was available from October 1, 2015, through April 3, 2017.² Though the amnesty program was statutorily mandated for infraction violations that met the eligibility requirements, courts and counties could, by agreement, extend the program to qualifying misdemeanors. The 18-month program was to be implemented by the court or county (or a partnership between the court and county) responsible for the collection of delinquent court-ordered debt pursuant to Penal Code section 1463.010(b). The program provided relief in several ways:

- 1) All qualified unpaid violations were entitled to a 50% reduction in the amount owing on an outstanding balance of fines, fees, and penalties;
- 2) Low-income individuals³ were entitled to an 80% reduction in the amount owing on an outstanding balance of fines, fees, and penalties;
- 3) In either of the above scenarios, the amount of any unpaid civil assessments previously assigned by a court for failure to appear and/or failure to pay on the violation was required to be deducted *before* the balance was reduced by 50% or 80%; and,
- 4) Courts were required to notify the DMV that the individual either paid the remaining debt in full or entered into a payment plan, both of which would help that individual recover his or her suspended driver's license.⁴

² The statutory end date for the amnesty program was Friday, March 31, 2017, a state holiday commemorating Cesar Chavez. To provide the public with the benefit of a program end date that did not coincide with the closure of state offices, the last day of the program was extended to Monday, April 3, 2017.

³ The authorizing legislation stated, "If the participant certifies under penalty of perjury that he or she receives any of the benefits listed in subsection (a) of Section 68632 of the Government Code [the civil filing fee waiver provision] or is within the conditions described in subsection (b) of Section 68632 of the Government Code, the amnesty program shall accept, in full satisfaction of any eligible fine or bail, 20 percent of the fine or bail amount…"

⁴ This provision has sometimes been mischaracterized as restoring the individual's driver's license. While that is the desired effect of the provision, the courts are only able to notify the DMV that an individual has satisfied any outstanding eligible debt via the amnesty program. Debt from other counties, or other reasons a driver's license may be suspended (driving violations that result in automatic suspension or revocation of driving privileges, for example) could not be cured by participating in the amnesty program, and, as a result, the driver's license might not be restored. Note, too, that the number of driver's licenses actually restored depends on further action by the participants directly with DMV, including payment of a \$55 driver's license reinstatement fee to the DMV.

- 5) Separate from relief from outstanding court-ordered debt, the statute provided individuals whose violations didn't meet the amnesty criteria with the opportunity to have their driver's licenses restored if the individual entered into a payment plan for the remainder of any outstanding court-ordered debt (not at a reduced price).
- 6) Courts were prohibited from initiating driver's license suspension or hold actions after an individual had entered into a payment plan, even if the individual subsequently stopped making payments.

In order to be eligible for amnesty, the applicants and their past-due violations had to meet eligibility requirements, as described in subsection (g) of section 42008.8:

- 1) The violation was an infraction filed with the court (i.e., parking tickets generally didn't qualify); OR
- 2) The violation was a failure to pay or failure to appear pursuant to subsections (a) or (b) of Vehicle Code section 40508, or section 853.7 of the Penal Code; OR
- 3) The violation was a misdemeanor violation filed with the court as specified (usually traffic misdemeanors) and the amnesty program applied to misdemeanors; AND
- 4) The initial due date for payment of the fine was on or before January 1, 2015; AND
- 5) There were no outstanding misdemeanor or felony warrants (not including any misdemeanor warrants related to the unpaid traffic ticket); AND
- 6) The individual seeking amnesty didn't owe victim restitution on any case within the county; AND
- 7) The individual didn't make any payments on the violation after September 30, 2015; AND
- 8) The person applied to the amnesty program on or before April 3, 2017.

Program Design and Implementation

Judicial Council staff from Budget Services and Governmental Affairs worked on outreach materials and tools to implement the 18-month amnesty program. Guidelines were adopted by the Judicial Council in August 2015 so programs would be able to ramp up for the October 1, 2015 program start date. Several statewide webinars were hosted to allow programs to prepare for and ask questions about the amnesty program. Separate outreach was organized for community-based advocates and members of the Legislature who offered to provide additional outreach, targeting low-income Californians who would most benefit from participating in the 18-month program. Two "frequently asked questions" documents were created and updated regularly; one answered questions posed by members of the public who wanted to know how to access the program and the parameters for participation. The other addressed questions posed by collections programs to ensure that consistent information was being provided across the state.

Unlike the six-month amnesty program in 2012,⁵ this amnesty program did not include an allocation of funds dedicated to community outreach and support. The Judicial Council was, however, given authority to retain the first \$250,000 in amnesty revenue collected to reimburse the DMV for up to this amount for the amnesty notifications printed and included in the mailing of over 60 million vehicle registration renewals during the amnesty program period. Even without an outreach budget, Judicial Council staff developed several forms and outreach posters for use by programs to ensure that courts and counties promoted amnesty consistently.

The Judicial Council approved a data reporting schedule in order to track the progress of the amnesty program. Data was submitted to the Judicial Council on or before the scheduled dates, as specified:

•	January 31, 2016	for the period October 1 through December 31, 2015
•	May 31, 2016	for the period January 1 through April 30, 2016
•	September 30, 2016	for the period May 1 through August 31, 2016
•	January 31, 2017	for the period September 1 through December 31, 2016
•	May 31, 2017	for the final report covering the entire 18-month program

The periodic reports were posted on the Judicial Council's website,⁶ distributed by e-mail to the Legislature, and sent as part of a series of press releases to media outlets throughout the state.

In addition to formally assisting the programs with program implementation guidance, Budget Services responded to numerous telephone and e-mail inquiries from the public about eligibility, payment options, clarifications related to jurisdiction and county-specific contact information, as well as a myriad of other questions about the program. Governmental Affairs and Judicial Council Public Affairs gave numerous interviews to diverse media outlets throughout California related to the amnesty program.

Reporting Requirements

The enacting legislation required each court or county implementing the amnesty program to report specified information to the Judicial Council, which the council would summarize and present in a report to the Legislature on or before August 31, 2017. The courts and counties implementing the program were required to report the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. The Judicial Council encouraged programs to also report additional information and data that would be useful for more fully understanding the impacts of the amnesty program.

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⁵ A report for that program can be found here: www.courts.ca.gov/documents/Statewide-Amnesty-Report-to-Legislature-20121231.pdf

⁶ www.courts.ca.gov/amnestyreports.htm

The Judicial Council provided templates for the collection programs to use for the periodic reports as well as for the final report on which to capture both the mandatory reporting elements as well as the additional elements referenced above.

Required findings

According to reports filed by all 58 court and county collection programs:

- 255,306 amnesty cases were resolved;
- \$45,111,315 in gross revenue was collected;
- \$13,549,179 in program operating costs was reported; and
- The net revenue, after deducting program operating costs, which represented 30% of the gross revenue, was \$31,562,136. (Please see Attachment 1.)

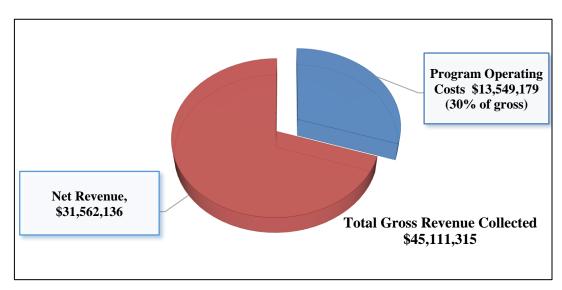


Table 1: Net Revenue and Operating Costs

Court and county collection programs were allowed to recover the costs of operating the amnesty program pursuant to Penal Code section 1463.007. This section states that any court or county that operates a comprehensive collection program as defined is entitled to recover the costs associated with the collection of delinquent court-ordered debt prior to distributing the collected revenue to other governmental entities. Over the course of the 18-month amnesty program, courts and counties recovered \$12,656,529, which is \$892,650 less than the total amnesty operating costs. Seven collection programs reported that the costs to operate the program exceeded the gross revenues they collected.

The numbers reported here include data from both mandatory infraction and qualifying misdemeanor violations that were addressed through the amnesty program.

Additional findings

In addition to the information described above, many courts and counties provided data helpful for understanding other impacts from and results of this amnesty program. (Please see Attachment 2.)

1. Driver's licenses

A total of 246,300 notices were sent from courts to the DMV indicating compliance with amnesty for the purpose of removing driver's license holds and suspensions. This total includes individuals who did not qualify for a reduced payment under amnesty, but were still able to get relief from their driver's license suspension pursuant to the program.

We have not received data from the DMV about how many driver's license holds and suspensions were lifted because of the amnesty program. As mentioned in footnote 3, courts were only able to notify the DMV that an individual had satisfied the terms of the amnesty program in that county. If an individual had his or her driver's license suspended for reasons outside of the scope of the amnesty program, that license may not have been restored.

2. Payment plans and defaults

All programs offered payment plans to participants in amnesty, but not all could report the number of payment plans that were established to help individuals pay off their amnesty debt in monthly installments.

Of 45 collections programs that provided data, 34 reported the number of accounts that went into default (in other words, the individual signed up for a payment plan but subsequently quit paying and was sent to collections). The 34 collections programs that reported defaults were in counties that represent nearly two-thirds of the population of California (63%); the average reported rate of default was 34.4%.

Stated another way, based on reporting from nearly two-thirds of the state, one out of every three people who signed up for an amnesty payment plan stopped paying during the amnesty program.

3. Amnesty accounts

In advance of the amnesty program's October 1, 2015 start date, many courts were able to identify the number of delinquent accounts in their databases that, based on the criteria in the legislation, were eligible for amnesty relief.

Thirty-eight out of the 58 collection programs, representing 63% of the population of California, calculated that 3,129,788 accounts were eligible for relief under the amnesty

⁷ Statewide population numbers used in this report can be found here: www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/

program. These same 38 courts made up 172,106 of the total 255,306 accounts with reductions in balances owed. Extrapolating this data to all collection programs, just 5.5% of these accounts resulted in reduced outstanding balances during the 18-month amnesty program.⁸

4. Civil assessments

Pursuant to the terms of the amnesty program, any remaining civil assessment amounts on an individual's account were to be deducted prior to assessing the reduction of 50% or 80%. Civil assessments are assessments of up to \$300 that may be imposed on the account of an individual who fails to appear in court, or fails to pay some or all of their court-ordered debt. The imposition of a civil assessment is considered a more appropriate tool for getting the individual to address his or her violation than the judge issuing a warrant for his or her arrest.

In total, 41 collection programs, representing 74% of the population of California, deducted \$51,530,129 in civil assessments under the amnesty program. Assuming the same ratio of amnesty dollar deductions statewide, statewide civil assessment deductions were approximately \$69,635,309 during the 18-month amnesty program.⁹

Judicial Council data shows that amnesty had a dramatic and negative impact on trial court revenues linked to civil assessments. From FY 2012–2013 to 2014–2015, civil assessment revenues were increasing by about 3.5% each year. However, in FY 2015–2016, coinciding with the launch of the amnesty program, civil assessment revenues declined 20% over the previous year, and in FY 2016–2017 civil assessment revenues declined another 10% over FY 2015–2016. The annual collection value in FY 2016–2017 is \$50 million less than in FY 2014–2015, the year immediately preceding the start of the amnesty program.

⁸ Calculation is based on 172,106 divided by 3,107,338 being equal to approximately 5.5%.

⁹ Calculation is based on 74/100 being equal to \$51,530,129/\$69,635,309.

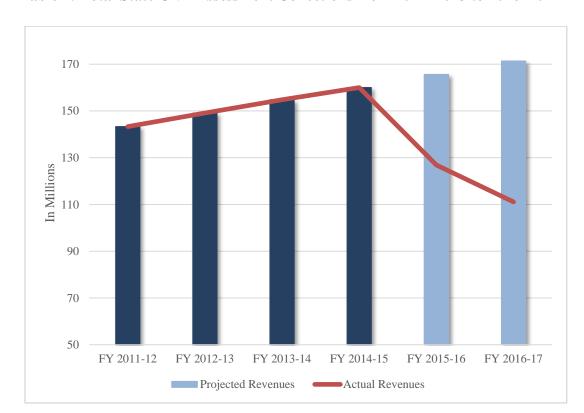


Table 2: Total State Civil Assessment Collections from 2012–2013 to 2016–2017

5. Program fees

The Vehicle Code permitted comprehensive collections programs to charge each person seeking amnesty relief a program participation fee of no more than \$50 to implement the program, and partially offset the loss of civil assessments revenue. Just \$5,158,730 was collected in amnesty program fees. These fees represent 103,175 amnesty accounts. Had all amnesty accounts been charged a \$50 program fee, fee revenue would have reached \$12,765,300. Data indicates that only approximately 40.4% of all amnesty accounts were charged a program fee.

Discharge from Accountability

The 3.1 million eligible amnesty accounts identified by the courts were worth an estimated \$2.62 billion in delinquent court-ordered debt. If the gross revenue of \$45 million that was collected during the amnesty program is deducted, the outstanding balance of uncollected court-ordered debt of amnesty-eligible accounts is approximately \$2.57 billion or approximately 98.3% of the estimated eligible account value. In other words, very little outstanding debt was paid with amnesty at a significant cost in revenue to trial court operations.

Although many individuals who qualified for amnesty relief set up payment plans, given the high average default rate experienced by collections programs, coupled with the magnitude of

¹⁰ Calculation is based on \$50 x 255,306 accounts.

uncollected delinquent debt, it is likely that future amnesty collection efforts would, like this 18-month amnesty program and the 2012 program before it, do little to change the overall landscape of outstanding court-ordered debt.

As stated, the outstanding balance of the uncollected court-ordered debt of amnesty-eligible accounts remains approximately \$2.57 billion. Government Code sections 25257(b) and 25259.7 set forth the requirements that courts and counties may apply for discharge of accountability of debt when the costs to collect the debt exceed the value of the delinquent debt, or the likelihood of collection does not warrant the expense.

Counties and courts may wish to consider discharging the \$2.57 billion in uncollected delinquent debt since the 18-month amnesty program only reduced total outstanding debt by 1.7%.

Other outstanding court-ordered debt may also be eligible for discharge, but the \$2.57 billion calculated in eligible amnesty debt appears to meet the discharge criteria of the Government Code.

Judicial Branch Criminal Revenue Stream Declines

Criminal revenue stream collections within the judicial branch have steadily declined in five special funds since 2011–2012. Total criminal revenue collections have declined at a rate of approximately 3% per year from 2011–2012 to 2014–2015. This was followed by steep declines in fiscal years 2015–2016 and 2016–2017, which coincided with the 18-month amnesty program. Table 3 provides projections of criminal revenue collections had the amnesty program not been in place in 2015–2016 and 2016–2017 against the actual value of collections in those years.

650.0 600.0 550.0 n Millions 500.0 450.0 400.0 350.0 300.0 2011-12 2012-13 2013-14 2014-15 2015-16 2016-17 Total Projected Actual

Table 3: Total Criminal, Fine, Fee & Penalty Revenue Collections 2011–2012 to 2016–2017

The State Court Facilities Construction Fund (SCFCF) provides funding for judicial branch capital outlay costs, facility modifications, trial court operations, Judicial Council salaries and operating expenses, and branch lease-revenue bond payment obligations. During the four years prior to amnesty, SCFCF was experiencing an average annual decline of about 4.66%. The decline over FY 2014–2015, in FY 2015–2016, increased to 14%, and in FY 2016–2017 as compared to FY 2014–2015, to 33.7%. Table 4 provides projections of criminal revenue collections had the amnesty program not been in place in 2015–2016 and 2016–2017 against the actual value of collections in those years.

80.0
60.0
20.0
20.0
2011-12
2012-13
2013-14
2014-15
2015-16
2016-17

Table 4: SCFCF Criminal, Fine, Fee & Penalty Rev Collections 2011–2012 to 2016–2017

The Immediate and Critical Needs Account (ICNA) is a sub-account of the SCFCF and draws on criminal fine and fee revenue for similar branch needs. During the four years prior to amnesty, ICNA was experiencing an average annual decline of about 5.57%. The decline over FY 2014–2015 in FY 2015–2016, increased to 14.5%, and in FY 2016–2017 as compared to FY 2014–2015, to 25.6%. Table 5 provides projections of criminal revenue collections had the amnesty program not been in place in 2015–2016 and 2016–2017 against the actual value of collections in those years.

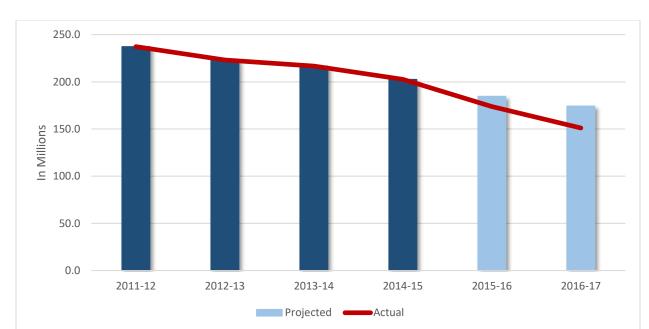


Table 5: ICNA Criminal, Fine, Fee & Penalty Revenue Collections 2011–2012 to 2016–2017

The Trial Court Trust Fund (TCTF) relies to a small extent on criminal fine and fee revenue. During the four years prior to amnesty, TCTF was experiencing an average annual decline of about 1%. The decline over FY 2014–2015 in FY 2015–2016 increased to 17.5%, and in FY 2016–2017 as compared to FY 2014–2015, to 26%. Table 6 provides projections of criminal revenue collections had the amnesty program not been in place in 2015–2016 and 2016–2017 against the actual value of collections in those years.

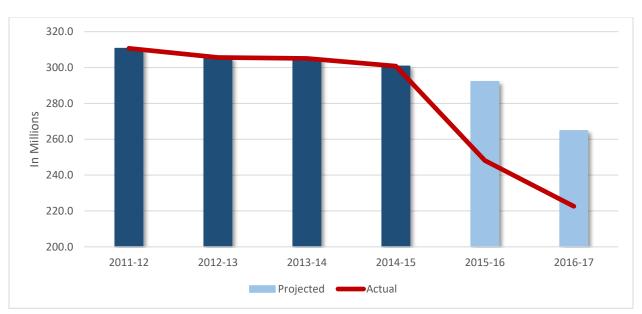


Table 6: TCTF Criminal, Fine, Fee & Penalty Revenue Collections 2011–2012 to 2016–2017

Court Facilities Trust Fund (CFTF) utilizes criminal fine and fee revenue to help manage the costs associated with the ongoing operations and maintenance of court facilities. During the three years prior to amnesty, CFTF experienced an average annual decline of about 7%. The decline over FY 2014–2015 in FY 2015–2016, increased to 11% and in FY 2016–2017 as compared to FY 2014–2015 to 27.5%. Table 7 provides projections of criminal revenue collections had the amnesty program not been in place in 2015–2016 and 2016–2017 against the actual value of collections in those years.

3.0 2.5 2.0 In Millions 1.5 1.0 0.5 0.0 2011-12 2012-13 2013-14 2014-15 2016-17 2015-16 Projected **—** Actual

Table 7: CFTF Criminal, Fine, Fee & Penalty Revenue Collections 2011–2012 to 2016–2017

The State Trial Court Improvement and Modernization Fund (IMF) utilizes criminal fine and fee revenue to fund automated administrative system improvements within trial courts and the jury system, as well as to fund trial court projects approved by the Judicial Council. During the three years prior to amnesty, IMF was experiencing an average annual decline of about 4.16%. The decline over FY 2014–2015 in FY 2015–2016, increased to 7.8%, and in FY 2016–2017 as compared to FY 2014–2015, to 22.3%. Table 8 provides projections of criminal revenue collections had the amnesty program not been in place in 2015–2016 and 2016–2017 against the actual value of collections in those years.

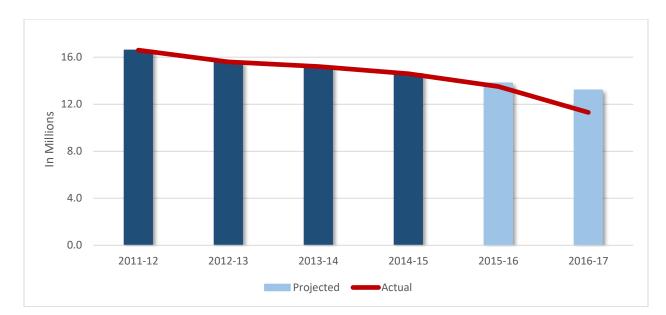


Table 8: IMF Criminal, Fine, Fee & Penalty Revenue Collections 2011–2012 to 2016–2017

Conclusion

The 18-month amnesty program was offered to provide individuals with the opportunity to resolve their delinquent court-ordered debt at a significant reduction. More than 246,000 individuals were also able to work with DMV to restore their driver's licenses. However, net amnesty collections were only \$31.56 million and not all court and county programs were able to fully offset the costs of the program from the revenue the program generated. Further, calculating the total gross revenue collected by the program (\$45,111,315) as compared to the value of the eligible amnesty accounts (\$2,616,065,265), collection results totaled approximately 1.74%.

Additionally, coinciding with the start of the amnesty program in October 2015, criminal revenues, including court operations and court construction funding, declined steeply in 2015–2016 and 2016–2017 totaling approximately \$131.8 million in revenue losses based on current revenue projections.

Extrapolating this revenue decline statewide is significant since the judicial branch only receives approximately 40% of all criminal revenue collections.

For more information about this report or the results and findings from the 18-month amnesty program, please contact Zlatko Theodorovic, Judicial Council Chief Financial Officer and Director of Budget Services at 916-263-1397, or send questions to the Budget Services Funds and Revenues Unit at collections@jud.ca.gov.

Attachments

- 1. Statewide amnesty program summary report (based on mandatory data)
- 2. Statewide amnesty program summary report (based on additional data)

Statewide Amnesty Program Summary Report

(Mandatory Data)

		Ma	ndatory (Infractions) P	rogram			Optional	(Misdemeanors) P	rogram		Combined Court/County Amnesty Program Total								
																Net Revenue			
Program		Driver's		Program Operating	Recovered Cost			Revenue	Program		No. Accounts	No. DL	Gross Revenue	Program Operating		Collected			
	Reduction (1)	License(2)	Revenue Collected	Cost	(3)		Driver's License(2)	Collected		Recovered Cost	Reduced	Reinstated	Collected	Cost	Recovered Cost	(operating)			
Alameda	21,264	15,963	1,095,683	773,042	773,042	0	0	0	0	0	21,264	15,963	\$1,095,682.65	\$773,042.37	\$773,042.37	\$322,640.28			
Alpine	6	6	952	133	0	0	0	0	0	0	6	6	\$951.65	\$132.78	\$0.00	\$818.87			
Amador	188	1	14,068	13,940	12,973	29	0	2,408	0	2,408	217	1	\$16,476.22	\$13,940.25	\$15,381.92	\$2,535.97			
Butte	939	1,208	115,810	260,323	227,195	0	0	0	0	0	939	1,208	\$115,809.82	\$260,323.16	\$227,194.79 \$0.00	-\$144,513.34 \$19,607.85			
Calaveras Colusa	141 518	185 237	27,532 73,551	7,924 43,640	5,198	3	0	303	117	9	141 521	185 237	\$27,531.85 \$73,853,38	\$7,924.00 \$43,757.87	\$5,206,94	\$30.095.51			
Contra Costa	10,457	22,431	1,963,227	843,632	840,553	0	0	0	0	0	10,457	22,431	\$1,963,226.56	\$843,631.76	\$840,552.90	\$1,119,594.80			
Del Norte	364	218	71,362	0	0	0	0	0	0	0	364	218	\$71,362.40	\$0.00	\$0.00	\$71,362.40			
El Dorado	644	683	70,813	75,937	57,227	151	151	23,559	20,950	17.392	795	834	\$94,372.00	\$96,887.00	\$74,619.00	-\$2,515,00			
Fresno	15,119	3,741	1,521,391	252,602	252,602	0	0	0	0	0	15,119	3,741	\$1,521,391.14	\$252,602.03	\$252,602.03	\$1,268,789.11			
Glenn	671	426	111,614	53,591	53,591	0	0	0	0	0	671	426	\$111,614.30	\$53,590.75	\$53,590.75	\$58,023.55			
Humboldt	1,535	945	108,401	56,373	20,385	0	0	0	0	0	1,535	945	\$108,401.48	\$56,373.13	\$20,385.00	\$52,028.35			
Imperial	1,422	648	181,875	107,401	107,401	0	0	0	0	0	1,422	648	\$181,874.51	\$107,401.00	\$107,401.00	\$74,473.51			
Inyo	81	78	10,885	9,743	9,436	0	0	0	0	0	81	78	\$10,884.85	\$9,743.24	\$9,436.18	\$1,141.61			
Kern	7,654	3,343	1,219,444	783,566	783,566	0	0	0	0	0	7,654	3,343	\$1,219,443.98	\$783,565.68	\$783,565.68	\$435,878.30			
Kings	633	157	85,359	27,407	10,546	0	0	0	0	0	633	157	\$85,358.96	\$27,407.00	\$10,545.70	\$57,951.96			
Lake	640	1,160	273,232	94,124	94,124	82	102	20,918	7,487	7,487	722	1,262	\$294,150.35	\$101,610.22	\$101,610.22	\$192,540.13			
Lassen	540	198	56,821	58,727	58,727	0	0	118	0	0	540	198	\$56,939.60	\$58,727.06	\$58,727.00	-\$1,787.46			
Los Angeles	51,908	72,724	20,341,687	3,295,835	3,295,835		0	0	0	0	51,908	72,724	\$20,341,686.89	\$3,295,835.31	\$3,295,835.39	\$17,045,851.58 \$10,993.00			
Madera Marin	251 465	106 782	23,827 223,266	12,834 40,835	12,834 40,835	0	0	0	0	0	251 465	106 782	\$23,827.28 \$223,265.61	\$12,834.28 \$40,835.17	\$12,834.28 \$40,835.17	\$182,430.44			
Mariposa	147	30	18,369	11,408	13.107	0	0	0	0	0	147	30	\$18,368,76	\$40,835.17 \$11.408.46	\$40,835.17	\$6,960.30			
Mendocino	1.205	553	235,576	48.049	48.049	19	34	0	0	0	1.224	587	\$235,575,55	\$48,048.52	\$48,048.52	\$187,527.03			
Merced	2,759	1,568	219,883	59,854	59,854	151	93	7,285	0	0	2,910	1,661	\$227,167.81	\$59,854.45	\$59,854.45	\$167,313.36			
Modoc	39	27	3,221	0	0	8	3	465	0	0	47	30	\$3,686.20	\$0.00	\$0.00	\$3,686.20			
Mono	37	33	5,994	22,204	5,994	0	0	0	0	0	37	33	\$5,994.08	\$22,203.74	\$5,994.08	-\$16,209.66			
Monterey	2,247	2,303	146,852	98,782	36,533	0	0	0	0	0	2,247	2,303	\$146,851.88	\$98,782.05	\$36,533.07	\$48,069.83			
Napa	775	1,486	54,872	6,332	6,332	0	0	0	0	0	775	1,486	\$54,872.10	\$6,332.38	\$6,332.38	\$48,539.72			
Nevada	304	277	54,588	49,549	49,549	39	0	3,762	0	0	343	277	\$58,350.13	\$49,549.44	\$49,549.44	\$8,800.69			
Orange	10,282	18,102	1,394,058	549,303	448,922	0	0	0	0	0	10,282	18,102	\$1,394,057.92	\$549,303.10	\$448,921.60	\$844,754.82			
Placer	1,340	6	120,012	196,833	143,511	0	0	0	0	0	1,340	6	\$120,011.93	\$196,833.27	\$143,510.54	-\$76,821.34			
Plumas	116	16	24,916	5,963	2,851	0	0	0	0	0	116	16	\$24,916.47	\$5,962.50	\$2,851.21	\$18,953.97			
Riverside	18,929	14,670	1,850,062	496,278	496,278	1,807	306	154,670	40,721	40,721	20,736	14,976	\$2,004,732.46	\$536,999.09	\$536,999.09	\$1,467,733.37			
Sacramento San Benito	21,766 97	27,213 86	1,196,178	625,218 3,450	625,218 3,450	0	0	0	0	0	21,766 97	27,213	\$1,196,178.45	\$625,218.22	\$625,218.22 \$3,450.00	\$570,960.23			
San Benito San Bernardino	10.029	4.011	18,949 721,221	216,371	216,371	0	0	0	0	0	10.029	86 4,011	\$18,949.21 \$721,221.22	\$3,450.00 \$216,370.84	\$3,450.00	\$15,499.21 \$504.850.38			
San Diego	6,829	10,282	530,482	176,745	176,367	4	0	22	304	22	6,833	10,282	\$530,503.75	\$177,048.87	\$176,389.10	\$353,454.88			
San Francisco	3,546	3,985	839,274	447,619	447,619	0	0	0	0	0	3,546	3,985	\$839,274.42	\$447,619.45	\$447,619.45	\$391,654.97			
San Joaquin	5,073	2,321	172,466	118,231	116,032	2,143	850	93,392	69,732	65,228	7,216	3,171	\$265,857.80	\$187,962.70	\$181,260.41	\$77,895.10			
San Luis Obispo	221	261	23,359	13,264	0	0	0	0	0	0	221	261	\$23,359.31	\$13,264.17	\$0.00	\$10,095.14			
San Mateo	2,124	3,143	891,179	440,101	265,696	0	0	0	0	0	2,124	3,143	\$891,179.45	\$440,101.02	\$265,695.61	\$451,078.43			
Santa Barbara	593	702	79,980	62,765	27,890	0	50	0	0	0	593	752	\$79,980.21	\$62,764.53	\$27,889.84	\$17,215.68			
Santa Clara	2,857	3,413	296,334	292,948	122,560	0	0	0	0	0	2,857	3,413	\$296,334.30	\$292,947.87	\$122,559.76	\$3,386.43			
Santa Cruz	1,805	935	116,332	92,652	33,900	0	0	0	0	0	1,805	935	\$116,332.17	\$92,652.01	\$33,900.39	\$23,680.16			
Shasta	5,475	993	422,397	245,839	229,823	1,541	0	120,542	68,740	64,791	7,016	993	\$542,938.88	\$314,578.44	\$294,613.76	\$228,360.44			
Sierra	33	16	2,546	8,783	2,546	0	0	0	0	0	33	16	\$2,546.15	\$8,782.57	\$2,546.15	-\$6,236.42			
Siskiyou	511	680	60,075	164,349	164,349	0	0	0	0	0	511	680	\$60,074.79	\$164,349.34	\$164,349.34	-\$104,274.55			
Solano	1,695	2,093	566,396	328,885	320,823	0	0	0	0	0	1,695	2,093	\$566,396.12	\$328,885.38	\$320,822.88	\$237,510.74			
Sonoma	1,967	1,992 3,655	1,040,148	188,783	188,783	0	0	0	0	0	1,967	1,992	\$1,040,147.92	\$188,783.47	\$188,783.47	\$851,364.45			
Stanislaus Sutter	6,737 347	3,655 279	449,216 38,077	302,777 14,462	302,777 13,705	0	0	0	0	0	6,737 347	3,655 279	\$449,215.67 \$38,077.02	\$302,777.18 \$14,462.32	\$302,777.18 \$13,704.78	\$146,438.49 \$23,614.70			
Tehama	1,094	360	133,609	56,168	56,168	0	0	0	0	0	1,094	360	\$38,077.02 \$133,609.34	\$14,462.32 \$56,168.17	\$13,704.78	\$23,614.70			
Trinity	1,094	20	2,596	1.086	1.086	0	0	0	0	0	1,094	20	\$133,009.34	\$1,086,26	\$1,086,26	\$1,509.29			
Tulare	9,166	2,871	828,096	187,426	187,426	785	172	127,976	28,860	28,860	9,951	3,043	\$956,072.47	\$216,286.21	\$216,286.21	\$739,786.26			
Tuolumne	369	663	52,890	33,624	25,100	69	77	12,088	3,935	4.250	438	740	\$64,978.01	\$37,558.88	\$29,350.00	\$27,419.13			
Ventura	10,450	9,375	4,095,764	819,153	819,153	0	0	0	0	0	10,450	9,375	\$4,095,764.00	\$819,152.80	\$819,152.80	\$3,276,611.20			
Yolo	550	294	96,644	14,973	14,973	0	0	0	0	0	550	294	\$96,643.63	\$14,972.63	\$14,972.63	\$81,671.00			
Yuba	1,491	508	150,165	96,463	96,463	1	0	229	31	31	1,492	508	\$150,394.18	\$96,494.50	\$96,494.50	\$53,899.68			
Revenue	248,474	244,462	\$44,543,575.22	\$13,308,301.77	\$12,425,329.41	6,832	1,838	\$567,740	\$240,877	\$231,200	255,306	246,300	\$45,111,314.79	\$13,549,178.90	\$12,656,529.51	\$31,562,135.89			

¹ Includes number of accounts that had an outstanding balance reduction under amnesty. Resolved accounts are those that have been paid in full or are current on installment payments to the amnesty payment plan.

² Includes number of accounts that had driver's license reinstated, with or without an outstanding balance reduction. Resolved accounts are those that have been paid in full or are current on installment payments to the amnesty payment plan.

³ The operating cost is the amount expended and the recovered cost is the total amount deducted from each revenue fund prior to distribution.

Statewide Amnesty Program Summary Report

(Additional Data)

								Ac	lditional Program	Detail								
Mandatory Infractions Amnesty Program	No. Accounts Eligible	Total Value: Eligible Accounts	Total Collected: 50% One Pymt.	No. Accounts: 50% Payment Plan	Total Collected: 50% Payment Plan	Ending Balance: 50% Payment Plan	Total Collected: 20% One Pymt.	No. Accounts: 20% Payment Plan	Total Collected: 20% Payment Plan	Ending Balance: 20% Payment Plan	No. Accounts w/Civil Asst.	Total Deducted: Civil Asst.	Total Collected: \$50 Amnesty Fee	No. Licenses Reinstated (DL Only Abstract)	No. Licenses Reinstated (DL/PIF Abstract)	No. Payment Plan Defaults ³	Value of Accounts:	No. Accounts Deemed Ineligible After Program Review ⁵
October 2015	2,983,686	\$2,503,676,736	\$202,262	2,366	\$162,991	\$363,033	\$759,866	9,213	\$289,571	\$1,896,814	77,934	\$5,147,276	442,414	8,480	17,648	489	\$119	3,404
November 2015	4,326	\$3,007,234	\$233,245	1,780	0.1.0,0.02	\$341,356		6,124	\$219,375	\$1,064,262	10,048	\$3,421,255	424,914	6,523	10,155	581	\$794	
December 2015	32,905	\$20,598,100	\$192,310	1,772	4100,00	\$417,921	4.00,300.	6,042	\$194,232	\$1,096,110	8,780	\$3,094,283	374,140	6,573	12,621	4,203	\$1,430	2,465
January 2016	21,898	\$18,260,284	\$170,681	2,169		\$510,865		6,950	\$252,077	\$1,153,186	9,775	\$3,253,717	370,150	7,210	12,056	1,597	\$0	2,900
February 2016	6,056	\$4,418,003	\$233,226	2,669		\$658,395	\$721,375	7,171	\$321,139	\$1,450,773	13,116	\$4,423,799	496,347	9,510	16,394	1,705	\$502	2,755
March 2016	6,951	\$5,202,358	\$238,727	2,569	4.01,000	\$888,918	4.0000	7,968	\$350,944	\$1,496,167	12,855	\$4,196,625	308,589	10,673	17,519	3,505	\$271	
April 2016	4,487	\$3,238,718	\$191,624	2,021		\$818,853	\$391,757	6,211	\$225,769	\$1,203,878	9,080	\$2,944,070	236,882	8,653	12,951	6,535	\$0	1,756
May 2016	4,895	\$3,768,729	\$147,430	1,670	\$175,216	\$758,477	\$328,217	5,250	\$203,323	\$1,014,683	7,223	\$2,481,187	199,493	9,044	10,319	4,131	\$247	1,863
June 2016	4,900	\$3,680,015	\$138,862	1,751	\$229,590	\$604,259	4400,000	5,398	\$328,950	\$761,052	6,774	\$2,333,664	283,185	9,963	9,396	2,779	\$237	1,984
July 2016	3,795	\$2,702,001	\$94,270	1,493	\$203,297	\$603,490	\$239,110	4,815	\$227,875	\$742,541	5,807	\$1,992,946	210,432	6,736	7,752	6,410	\$0	1,531
August 2016	4,127	\$2,969,194	\$83,014	1,611	\$213,955	\$625,628		4,722	\$212,813	\$776,916	6,013	\$2,020,399	234,736	7,263	8,039	7,982	\$0	1,443
September 2016	3,484	\$2,292,092	\$80,195	1,504	\$186,778	\$648,643	\$238,315	4,647	\$179,718	\$756,558	5,474	\$1,889,945	181,388	6,572	7,911	5,160	\$200	1,000
October 2016	3,041	\$3,354,708	\$103,408	1,326	\$151,484	\$776,393	\$224,754	4,200	\$168,401	\$1,965,458	4,878	\$1,686,020	170,016	6,123	6,873	5,791	\$0	1,272
November 2016	3,213	\$2,517,480	\$94,921	1,189	\$149,539	\$676,464	\$195,840	4,034	\$164,865	\$1,040,825	4,311	\$1,463,357	165,115	5,989	6,277	4,864	\$0	1,210
December 2016	2,944	\$2,282,984	\$74,326	1,036	\$140,592	\$656,579	\$169,574	4,044	\$155,756	\$958,102	3,825	\$1,344,271	142,605	5,699	5,657	5,941	\$44	936
January 2017	3,335	\$2,209,077	\$69,875	1,238	\$144,760	\$648,464	\$206,550	4,093	\$134,648	\$682,337	4,765	\$1,639,151	158,562	3,743	6,848	4,457	\$0	1,199
February 2017	4,034	\$2,751,270	\$99,386	1,391	\$148,590	\$724,543	\$298,070	5,356	\$212,710	\$1,190,711	5,318	\$1,848,281	206,386	4,450	5,606	4,814	\$94	1,153
March	9,137	\$5,404,547	\$231,052	2,292	\$308,466	\$809,547	\$698,132	9,763	\$407,177	\$1,632,241	14,688	\$5,065,315	445,502	8,051	16,362	5,319	\$0	3,266
April	124	\$71,734	\$28,942	544	\$36,562	\$545,140	\$131,604	1,847	\$58,930	\$350,288	2,410	\$834,418	52,531	1,038	1,192	4,593	\$0	171
TOTAL	3,107,338	\$2,592,405,264	\$2,707,754	32,391	\$3,424,749	\$12,076,968	\$7,049,531	107,848	\$4,308,273	\$21,232,903	213,074	\$51,079,979	5,103,386	132,293	191,576	80,856	\$3,937	35,439

Additional Program Detail

Program	No. Accounts Eligible	Accounts	50% One Pymt.	50% Payment Plan	50% Payment Plan	50% Payment Plan	One Pymt.	20% Payment Plan	Payment Plan	Payment Plan	w/Civil Asst.	Asst.	Amnesty Fee	1	2	Defaults 3	"Court Satisfied" 4	Review 5
October 2015	10,411	\$10,988,471	\$562	27	\$726	\$7,471	\$4,681	159	\$2,559	\$59,508	115	\$81,073	\$5,992	30	24	3	\$288	89
November 2015	11,621	\$12,421,067	\$1,529	70	\$1,114	\$33,853	\$6,776	277	\$5,315	\$84,874	11,074	\$58,219	\$7,112	45	21	0	\$127	149
December 2015	39	\$30,983	\$3,511	81	\$1,250	\$36,301	\$8,089	342	\$4,011	\$71,960	58	\$50,631	\$7,617	112	11	3	\$0	315
January 2016	34	\$9,314	\$115	88	\$1,037	\$34,270	\$6,976	389	\$5,646	\$73,580	64	\$21,848	\$3,028	37	22	13	\$0	316
February 2016	24	\$23,763	\$4,126	91	\$1,635	\$34,490	\$12,946	448	\$6,775	\$95,109	122	\$41,278	\$4,549	66	43	1	\$0	346
March 2016	25	\$10,943	\$0	96	\$1,758	\$38,433	\$11,288	493	\$8,759	\$102,401	98	\$34,744	\$4,050	77	38	1	\$0	316
April 2016	25	\$4,529	\$0	100	\$1,886	\$41,924	\$5,068	471	\$6,664	\$102,112	40	\$23,812	\$2,413	64	41	1	\$0	248
May 2016	19	\$3,651	\$432	94	\$1,541	\$41,709	\$3,324	489	\$5,411	\$106,647	46	\$14,849	\$2,176	51	36	0	\$0	131
June 2016	20	\$12,157	\$1,573	89	\$1,156	\$42,195	\$1,513	487	\$5,910	\$106,499	33	\$12,201	\$1,774	52	32	2	\$0	137
July 2016	16	\$10,491	\$728	90	\$1,368	\$41,923	\$1,580	496	\$6,437	\$104,484	35	\$11,637	\$1,515	33	15	3	\$0	81
August 2016	22	\$14,649	\$27	94	\$1,274	\$44,778	\$2,774	490	\$5,148	\$105,750	36	\$12,674	\$1,842	63	27	7	\$0	84
September 2016	26	\$17,302	\$1,229	94	\$1,329	\$42,061	\$3,107	502	\$6,302	\$102,143	35	\$15,077	\$2,552	47	24	4	\$0	127
October 2016	16	\$12,306	\$188	96	\$1,033	\$42,513	\$4,718	472	\$3,917	\$99,215	21	\$10,068	\$1,906	40	27	2	\$0	111
November 2016	28	\$23,036	\$95	96	\$1,502	\$43,119	\$2,167	475	\$5,107	\$98,012	27	\$11,474	\$1,432	44	23	1	\$0	81
December 2016	25	\$12,899	\$0	105	\$1,843	\$44,506	\$2,594	461	\$4,696	\$95,242	26	\$9,388	\$1,681	17	28	5	\$50	65
January 2017	8	\$2,720	\$0	98	\$2,124	\$40,040	\$104	457	\$3,259	\$84,867	13	\$3,584	\$631	5	4	16	\$0	70
February 2017	25	\$21,498	\$0	101	\$1,504	\$40,559	\$691	492	\$4,134	\$90,474	35	\$9,526	\$1,643	14	35	5	\$0	91
	43	\$20,105	\$74	108	\$2,519	\$43,427	\$1,048	583	\$10,134	\$99,756	96	\$27,468	\$3,081	23	20	5	\$0	85
March 2017	23	\$20,115	\$0	0	\$50	\$0	\$326	11	\$25	\$386	2	\$600	\$350	10	5	0	\$0	12
TOTAL	22,450	\$23,660,001	\$14,187	1,618	\$26,650	\$693,571	\$79,769	7,994	\$100,210	\$1,683,018	11,976	\$450,150	\$55,344	830	476	72	\$465	2,854
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COMBINED TOTAL:	3,129,788	\$2,616,065,265	\$2,721,941	34,009	\$3,451,399	\$12,770,539	\$7,129,300	115,842	\$4,408,483	\$22,915,921	225,050	\$51,530,129	5,158,730	133,123	192,052	80,928	\$4,402	38,293